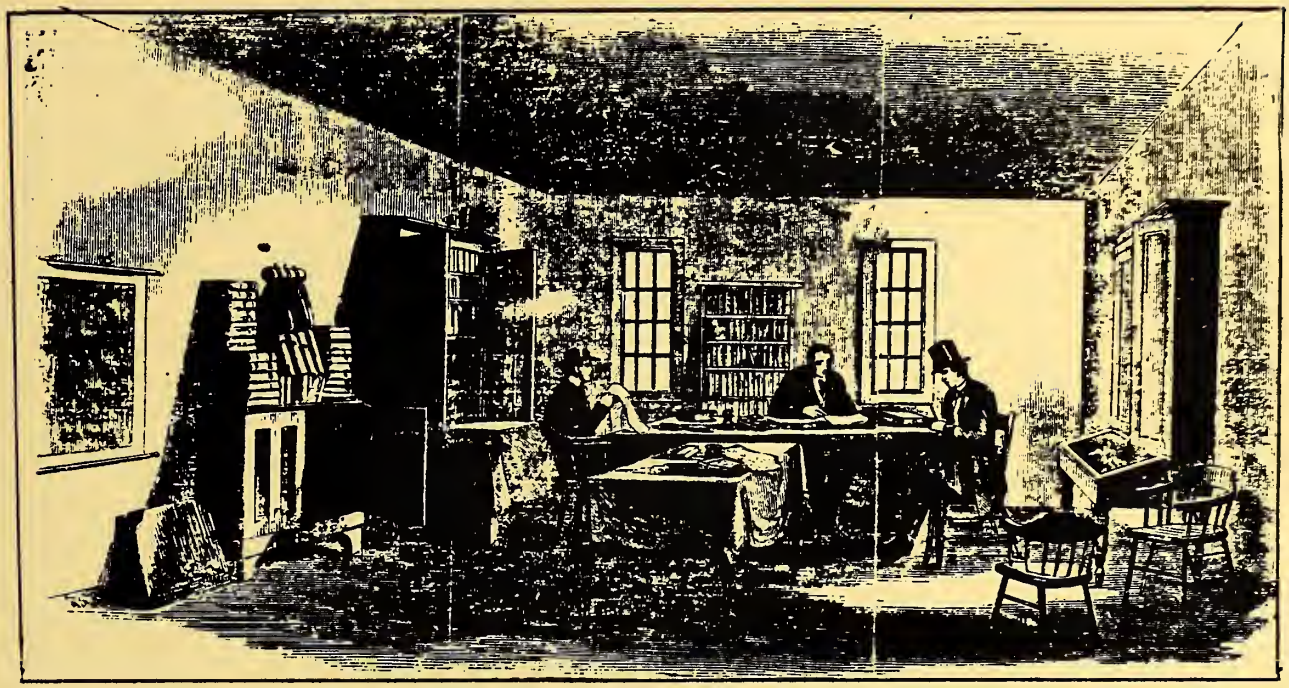
THE LINCOLN-HERNDON LAW OFFICES



Volunteer Manual

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The Lincoln-Herndon Law Offices

VOLUNTEER MANUAL

BY MARK JOHNSON, MARIANNA MUNYER AND RICHARD TAYLOR

JANUARY 1986

Historic Sites Division
Illinois Historic Preservation Agency

This book is dedicated to Mr. and Mrs. James E. Myers, Mr. and Mrs. Robert B. Oxtoby, and Mrs. H. B. Bartholf who preserved the Tinsley building and to James T. Hickey whose research made possible its restoration.

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WELCOME

Welcome to the Lincoln-Herndon Law Office's interpretive team. We are delighted that you have chosen to work with us. Your help is very much appreciated. We will do what we can to make your participation worthwhile and an interesting experience.

The purpose of this handbook is to provide the administrative policy of this site, and guidelines and practical information on interpretive operations to help the interpreter and volunteer perform their work to the best of their ability. It will not provide all the answers, primarily because much research on Lincoln and the law still remains to be done. It will, however, provide an excellent beginning and basis for further reading and study regarding the nineteenth century lawyer, courts and Lincoln.

SPECIAL THANKS

The State purchased the Lincoln-Herndon Law Offices in August 1985 shortly after the new Illinois Historic Preservation Agency was created. In the short time available it required a concerted effort to prepare the site for opening to the public. It is my privilege and pleasure to extend thanks to the following people without whose work it would not have been accomplished.

Dick Taylor, Chief of Technical Services, Historic Sites Division, coordinated and directed the research efforts and developed the site interpretation. Most of this manual is the result of his effort and skill. Despite the fact that more books and articles have been published on Abraham Lincoln than any subject other than the Bible, very little has appeared on Lincoln's Law career or for that matter, on nineteenth century lawyers in general. This manual, thanks to Dick, is a step toward changing that.

Mark Johnson and Colleen Ogg who worked with Dick compiling source material and documentation.

Finally, Edith and Jim Myers, Carolyn and Bob Oxtaby, and Sue Barthoff, who purchased the building in the late 1960's and with the assistance of James Hickey, former Lincoln Curator at the State Historical Library restored the historical portions. Their foresight and committment made our tasks of the mid 1980's easier.

Marianna Munyer
Site Superintendent
Old State Capitol/Lincoln
Herndon Law Offices

ADMINISTRATIVE POLICIES AND PROCEDURES

STATEMENT OF PURPOSE

SIGNIFICANCE:

The Lincoln-Herndon Law Offices State Historic Site is the only surviving building in which Lincoln practiced law.

The site reflects the nineteenth century male working world as opposed to the women's sphere of the home.

From 1841-1848 the only federal court in Illinois was located on the second floor in this building.

PURPOSE:

To acquaint visitors with the world of law in Lincoln's Illinois, as well as the larger culture of which it was a part.

To help visitors understand that nineteenth century society functioned in its own way; neither worse nor better than the twenteeth century.

To help visitors understand the separation of male and female worlds in the nineteenth century.

To preserve the structure and collections.

To provide an enjoyable learning situation.

HOURS OF OPERATION

The Lincoln-Herndon Law Offices State Historic Site will be open to the public every day of the week from 9 a.m. to 5 p.m. Closed Christmas, New Years Day and Thanksgiving.

VOLUNTEER PROGRAM

The volunteer program at the Lincoln-Herndon Law Offices exists primarily for interpretive purposes. Each year thousands of visitors arrive in Springfield to learn about Lincoln. The volunteers conduct guided tours of the Law Offices and relate information about Lincoln, his law career nineteenth century legal process, and social customs. Members receive instruction on a variety of site and history related subjects including security, public relations, interpretation methods, research and related historical themes. They have access to the guides' library at the Old State Capitol and the collections of the Illlnois State Historical Library.

Although volunteers assist the site staff primarily with interpretive programs, opportunities are available for participation in research, office work, maintenance and collections, and retail sales.

Volunteers receive the same training opportunities as interpreters and enjoy equivalent staff privileges.

THE ILLINOIS HISTORIC PRESERVATION AGENCY

The Illinois Historic Preservation Agency was established in July, 1985 through an executive order signed by Governor James Thompson. The act combined the Historic Sites Division and Historic Preservation sections from the Department of Conservation with the Illinois State Historical Library. The objectives of the new agency are to collect, preserve and interpret Illinois History.

The addition of the Lincoln-Herndon Law Offices bring the number of staffed Historic Sites under the direction of the Historic Sites Division to twenty.

Illinois Historic Preservation Agency Staff

Michael Devine	Director
Robert Coomer	Superintendent Division of Historic Sites
Phyllis N. Eubanks	Coordinator Special Events
Marianna J. Munyer	Site Superintendent Old State Capitol/Lincoln- Herndon Law Offices
Linda Bee	Secretary/Assistant Old State Capitol/Lincoln- Herndon Law Offices

Historic Site Guides

Jane Batista	Mark Johnson
Rosemary Coyne	Virginia Matherly
Freda Dirks	Walt Putnick
Shirley Etter	Lance Steinmann
Jean Fisherkeller	Ruth Taylor
Pat Hewitt	Sandy Temple
Isabel Howard	

Illinois Historic Preservation Agency	782-4836
Division of Historic Sites	785-1584
Old State Capitol	782-4836 Ex 42
Lincoln-Herndon Law Offices	785-7289

VOLUNTEER/LINCOLN-HERNDON LAW OFFICES AGREEMENT

The volunteer agrees:

1. To work a minimum of 1/2 day every two weeks (or as needed).

2. To be prompt and reliable in reporting for scheduled work.

3. To attend orientation and training sessions as scheduled and to undertake continuing education when provided by the site to build skills.

4. To notify the volunteer coordinator if unable to work as scheduled.

5. To become thoroughly familiar with the site's policies, philosophy, and procedures, both written and verbal-especially those contained in the Volunteer's Manual.

6. To realize that the site staff welcome and seek questions, suggestions, and recommendatins from volunteers on improving and developing facilities, programs, and policies and encourage vounteers to share impressions and ideas with site staff.

7. To carry out responsiblities in good spirit and to seek the assistance of the site staff in any situation requiring special guidance.

8. To accept the site's right to dismiss any volunteer for poor attendance, after a proper review by the Evaluation Board.

The Staff of the Lincoln-Herndon Law Office agrees:

1. To provide at least one coordinator who will be the volunteer's contact.

2. To furnish a description of the work each volunteer is required to perform.

3. To schedule, whenever possible and in the best interests of the site, the volunteer's work time according to his/her request.

4. To provide a training course consisting of several lectures on the practical application of research and interpretation, artifact care, decorative arts, security and public relations and to provide on-the-job training and guidance.

5. To provide continuing education for the volunteer in subjects relating to the Lincoln-Herndon Law Office history and practical work application.

6. To provide a recommendation, if requested, for a volunteer who is applying for a paid job.

7. If the underground parking lot is available, the site will provide parking during the guiding time.

NOTE: Volunteer expenses such as mileage are tax deductible. Volunteers must keep their own records - see sections C & D.

WORK RULES FOR INTERPRETERS AND VOLUNTEERS

WORK HOURS AND SCHEDULES

The Lincoln-Herndon Law Offices will be open for public tours daily from 9:00 a.m. until 5:00 p.m. with the exception of Thanksgiving, Christmas, and New Years Day.

Each day will be broken into two shifts as follows: 9:00 a.m. to 1:00 p.m. and 12:30 p.m. to 4:30 p.m. Please plan to check in at least five minutes before your shift.

Tours will start on the hour with a new tour group starting at twenty minute intervals. Tours should last approximately 30 to 35 minutes. Please report to orientation center desk at the conclusion of each tour.

Schedules will be sent to you each month. Please read them carefully. We would like each volunteer to work at least once a month.

In case you are unable to work on your assigned day:

A master list of all volunteers and their phone numbers will be sent to you. In the event that you cannot work a given day, please arrange for a substitute. Remember to call in your changes to the Old State Capitol office. If you are unable to arrange a change, notify the coordinator as soon as possible. Please notify the office if you are going to be late for your assignment.

PARKING: If you use the underground parking garage we will validate your parking tickets for the time you volunteer as long as the garage is open to the public. Please bring the ticket to the Old State Capital Office. The garage is open Monday through Saturday. On Sundays the meters are not in operation and parking should be available on the street.

A break-room is located on the second floor for volunteers and staff when they are not conducting tours. Name tags and sign-in sheets will be located in the break-room.

CALENDAR FOR THE MONTH OF: MAY, 1986

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
				1 CAMP 9-1 HERNDON 12-4 MOON 10-2	2 BRADLEY 10-2 ~~Rank~~ 9-1 SCHNEITER 9-1 WRIGHT 12-4	3 TOMLIN 12-4 CARRIER 12-4
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

sign-in sheet

DAILY ATTENDANCE RECORD — OLD STATE CAPITOL

PAY PERIOD _____ 198___

ISHL 5C 10-80

DAY	1		2		3		4		5		6		7		8		9		10		11		12		13		14		15		
	16		17		18		19		20		21		22		23		24		25		26		27		28		29		30		31	
	IN	OUT	IN	OUT	IN	OUT	IN	OUT	IN	OUT	IN	OUT	IN	OUT	IN	OUT	IN	OUT	IN	OUT	IN	OUT	IN	OUT	IN	OUT	IN	OUT	IN	OUT	IN	OUT

Volunteer Insurance

The Illinois Historic Preservation Agency provides for medical and personal liability insurance for all volunteers in historic sites through the Volunteer Insurance Service (VIS) Program under the Corporate Insurance Management Association. There are some types of work which cannot be performed under this coverage, however. PLEASE TAKE NOTE OF THE EXCLUSIONS LISTED IN ATTACHMENT A. This means every volunteer at this site will be covered whether they are there for one day or serving on a regular basis (see attachments A and B).

Volunteer Tax Deductions

There are several tax benefits available to volunteers. Attachment C outlines these and attachment D has been provided for record keeping purposes.

I. VOLUNTEER INSURANCE SERVICE (VIS) - INSURANCE PLAN SUMMARY

A. Accident Insurance

Excess Accident Medical Coverage

This coverage will pay up to $10,000.00 for medical treatment, hospitalization, and licensed nursing care as a result of an accident. The insurance applies while the volunteer is traveling directly to and from and while participating in volunteer activities. This insurance does not cover expenses incurred which are eligible under full Medicare Coverage or any other gorup or franchise policy.

Other than X-rays, dental care is covered up to $500.00 for accidental injury to natural teeth. The coverage also provides up to $25.00 for repair or replacement of eyeglass prescription lenses damaged as a result of an accident.

Accidental Death and Dismemberment Coverage

In addition to the accident medical coverage, the insurance company will pay the following benefits for death or loss of limb or sight, occuring within one year after the accident.

Loss of life (paid to beneficiary)	$2,500.00
Loss of both hands, feet or eyes or any combination thereof (paid to volunteer)	2,500.00
Loss of either hand, foot or either eye (paid to volunteer)	1,500.00
Loss of thumb and index finger of either hand (paid to volunteer)	625.00

Principal Exclusions to Accident Insurance

This insurance does not apply to:

Sickness or disease;
Abdominal hernia however caused;
Expenses for services rendered by a person employed or retained by the VIS member;
Bacterial infection unless caused by a wound;
Any Volunteer Fireman, Rescue Squad Member or Sports Teams

B. Personal Liability Insurance

All registered volunteers collectively are provided a $1,000,000.00 per occurence protection for a personal injury or a property damage liability claim arising out of the performance of the volunteer's duties. This coverage is in excess of and non-contributing with any other valid and collectible insurance the volunteer may have.

Principal Exclusions to Personal Liability Insurance

Injury or damage arising while traveling to or from the place of volunteer service;

Error or ommissions in connection with professional services;

Medical malpractice;

Personal injury resulting from assault and battery committed by or at the direction of the volunteer;

Liability assumed by the volunteer under any contract or agreement;

Property damage to property in the care, custody or control of the volunteer;

II. CURRENT STATE BENEFIT PROGRAMS IN RELATION TO VOLUNTEERS

Program	Volunteers
1. Auto liability	Yes
a. Limits	$2,000,000
b. Driving state vehicle	Primary Coverage
c. Driving Personal vehicle	Excess over personal vehicle
*2. Workers' Compensation	No
a. Limits	
(1) Permanent Disability	---
(2) Medical	---
*3. General Liability	NO - Exception - Defense Attorney Attorney General's Office is statutorily provided to volunteers within Public Aid, Corrections, Mental Health & Developmental Disabilities

* Remember that VIS program picks up where the state leaves off.

ATTACHMENT B

SITE _____ REGION _____

VOLUNTEER INSURANCE ROSTER
(Please print)

	VOLUNTEER'S NAME	TYPE OF SERVICE	DATE
1.			
2.			
3.			
4.			
5.			
6.			
7.			
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24.			
25.			

ROSTER FORMS MUST BE SUBMITTED TO CENTRAL OFFICE WITHIN 10 DAYS FOLLOWING EACH QUARTER.

Tax Deductions for Volunteers

A number of tax benefits are available for volunteers under the general charitable contribution deduction of the Internal Revenue Code. The Internal Revenue Service explains this by noting that volunteers can deduct "unreimbursed expenditures made incident to rendition of services to a qualifying organization." Translated, that means that a volunteer may deduct out-of-pocket expenses incurred while doing volunteer work for certain groups approved by the Internal Revenue Service.

Qualifying organizations include, but are not limited to: units of government; organizations formed for scientific, literary, or educational purposes; charitable groups; organizations for the prevention of cruelty to animals; organizations for national or international sports competition; and certain veterans groups. The organization must have prior approval as a qualifying organization from the IRS. If in doubt, ask for proof of tax-deductible status.

The following are representative types of expenditures that volunteers may wish to deduct:

- direct gifts of money to an organization
- automobile mileage and expenses
- bus and cab transportation expenses
- parking and tolls
- special uniforms
- telephone bills
- entertainment and meals given to others
- costs of meals and lodging, if away overnight
- travel expenses above per diem allowance
- tickets to charity benefits, above intrinsic value

The following may *not* be deducted:

- value of volunteer time donated
- dependent care expenses
- your own meals (unless away overnight)
- your own entertainment

Automobile-related expenses may be deducted either at a 12¢ per mile standard rate or an actual expenses basis. Under the standard rate method, parking fees and tolls are deductible in addition to the standard mileage rate.

The "out-of-pocket" requirement eliminates from deduction any amount that is to the direct benefit of the taxpayer (or the taxpayer's family) rather than to the organization. Thus, for example, most meals and entertainment are excluded.

Items for which a volunteer receives reimbursement may be deducted only to the extent that actual expense exceeds the amount of reimbursement.

In general, the following requirements apply to the above deductions:

1. Must be amount actually paid during the taxable year, not just a pledge.
2. Must be made to a qualifying organization.
3. Must be actual out-of-pocket amount: if a banquet ticket is bought, the deduction is the amount in excess of the actual value of the meal.
4. Must be recorded: the volunteer should know the name of the organization to which the contribution is being made; amount and date of each contribution; and method of valuing in-kind gifts.
5. Where possible, especially for large gifts, a statement of donation should be obtained from the donee organization.

For the more common out-of-pocket expenses, such as transportation costs and meals, voluntary organizations can assist recordkeeping by providing forms listing date, amount, and beneficiary of the expenses.

The above deductions can be taken by those who itemize their deductions and those who take the standard deduction. However, for those taking the standard deduction, only 25% of the first $100 in contributions may be deducted from 1983 taxes.

A complete description of federal tax deductions for volunteers can be obtained from your local IRS office. Ask for Publication #526, *Income Tax Deduction for Contributions.*

VOLUNTEER
The National Center for Citizen Involvement

1111 N. 19th St., Suite 500
Arlington, VA 22209
(703) 276-0542

VOLUNTEER TAX RECORDKEEPING SHEET

Name of Volunteer_____

Organization (complete one sheet for each organization for which you volunteer) _____

Date	Nature of Expense (bus fare, mileage, phone calls, etc.)	Amount
		$

PRINCIPLES OF INTERPRETATION

BY MARIANNA MUNYER

INTERPRETATION

What is interpretation?

meaning: Interpretation is the act of explaining or telling the meaning of something in understandable terms.

goal: In historic sites, such as the Lincoln-Herndon Law Offices, the Old State Capitol, Lincon's Tomb, etc. the interpretation goal is to use the building, grounds and objects within the site in combination with accurate historical information to help visitors understand the past.

technique: Historic sites use a variety of interpretation techniques: Third person is used by many sites. The interpreter assumes the role of a twentieth century person presenting specifics from the past. Third person in period dress: The interpreter follows the same procedure as above, but wears clothing reproduced to resemble the appropriate time period.

First person: The interpreter assumes the role of an individual from the past and presents historic information as if it were happening now. This technique always uses period dress. The "role player" may be involved in a work routine or may simply stand and talk. In some instances two or more players may create a "scene" in which visitors may or may not become involved.

method: Station guiding: The interpreter stands in one area and provides information relating to that section of the building. This method is particularly useful for extremely heavy visitation days.

Guided tours: The interpreter conducts visitors through the site. In some instances a combination of station and guided tours is used, particularly when first person is being used for particular emphasis.

titles: Sites use a variety of titles. Docent (meaning teacher in Greek), hostess, guide, and interpreter are just some of the names in use. The Division of Historic Sites prefers the word interpreter, as do many sites and museums.

What makes a good interpreter?

Most of the time such a person has an interest and enthusiasm in the subject and the visitor. A good interpreter will strive to know as much as possible about the subject to present information with accuracy. With that knowledge he/she will be able to relate concepts and ideas to present information in a truly understandable manner on the level of the visitor. He/she

will try to involve visitors in the artifacts and history by including visitors in discussions rather than by lecture and above all, a really good interpreter will be in eye contact with the visitor, sensing his/her needs and displaying a sense of humor and flexibility.

The following is a list of suggestions for avoiding pitfalls that can lead to disastious experiences.

1. Approach the visitors with a positive friendly attitude. If you are doing a guided tour introduce yourself and explain how long the tour will take and a little about what they will see.

2. The interpreter is the "front line" publicity for the site. Your approach and manner during the tour will determine a visitor's response to the site.

3. Try to tailor your interpretation to the interests of the visitors. On a guided tour you have an opportunity to observe and learn what interests them.

4. Encourage visitors to observe the objects in the room. Give them a short time to look around the room. Watch where their eyes travel and start your discussion with the object in which they appear to be interested.

5. Include the visitors in your presentation. A simple "Does anyone know what this is?" can work well.

6. Use language the general public knows - high powered and technical jargon may impress the super brains, but the rest of the population won't know what you mean. If you use a "fancy" term - take the time to explain.

7. Never be afraid to say "I don't know." But do find the answer so you know next time. Regular staff members will be glad to help.

8. Never "speak down" to visitors. Instead know what you intend to say and find the easiest, clearest way to say it.

9. Try to include children (little ones) in the discussion. Bored children may become a disaster all by themselves. On the other hand, an interested child is a joy!

10. Vary what you say. A little variety is good for the enthusiasm of the interpreter and avoids "taped" presentations.

11. Avoid games where only you know the answers, because the information for which you are seeking is obscure.

12. Artifacts (objects) are a good way to explain the culture and customs of an earlier society. Don't be afraid to use them - but avoid the presentation which is all object identification. The idea is to help visitors relate concepts and find correct conclusions.

13. Avoid long stories! Tell only those stories that will fit easily into a thirty minute tour without eliminating other important information.

14. Do have compassion for your visitors. Some of them will have visited five or six sites (or maybe even more). They may be tired, lost, hungry, in need of a restroom, angry, confused, etc.

15. Do make yourself aware of the closeness of other groups so that your tour is not too long or too short. If someone is close behind you, it may mean that the building is crowded - respond by cutting down the length of your presentation or by asking if the group would like to pass you.

16. NEVER discuss twentieth century politics or political events with visitors. Our objective is the past not the present - and you seldom know the background of your visitors.

17. Do dress neatly.

18. Do have a wonderful time. Interpretation is a challenging, mind-broadening, frequently amusing experience. Enjoy it!

What to do - - -

1. If a child is unruly and disinterested or a baby is crying, do not detain the parents with a lengthly talk. Give them a few highlights of the room and let them move on.

2. If an older child is a real problem:

    1) alert the teacher,
    2) tell the child firmly that such behavior is not acceptable in a public building. Sometimes being an authority figure works.

3. If a visitor is blind make your talk as descriptive as possible. Think about the size of the rooms. What was the purpose of the room and what went on there?

4. If a visitor is mentally retarded make your talk as simple as possible without talking down to the visitor. Be sure that what you say is clear and easy to understand.

5. If you notice that someone is unable to hear, place yourself as close to them as possible, speak clearly, distinctly, and at a slower pace. Do not yell.

6. If someone is using a wheelchair for the near future the upper floors are unaccessible. The slide/tape presentation will provide views of the rooms. Explain as pleasantly as possible that plans are underway to remedy the situation.

7. If someone insists on interrupting constantly - remember the old saw: "the customer is always right" and be as pleasant as possible.

8. If someone brings up a story which you know is a myth you have several options:

   1) you can mention that recent historic research appears to indicate that "the story" is inaccurate and give the correct information or

   2) (if you think the first approach will be a disaster) say politely that you have never heard that before, but you will look into it.

9. If someone is furious about an experience at another site indicate that you are surprised that _____ happened because usually things are just wonderful there, and you certainly are sorry. Then go on with your tour.

If the complaint is related to the Old State Capitol or the Lincoln-Herndon Law Offices - please direct the person to the site superintendent.

The following readings provide additional thoughts on interpretation and communication. In some instances they may appear to be redundent, but they are all worth study and contemplation.

ON BEING A GOOD INTERPRETER*

WHAT IS AN INTERPRETER?

> Do not try to satisfy your vanity by teaching a great many things. Awaken people's curiosity. It is enough to open minds; do not overlook them. Put there just a spark. If there is some good inflammable stuff it will catch fire.
>
> --Anatole France

The museum interpreter, whether a staff member or a trained volunteer provides a special service to the museum visitor. It has already been mentioned that the interpreter is the front line representative of the museum and thus has an important public relations role. But if that were all the job required, public relations experts could substitute as interpreters. The work consists of much more.

The quotation from Anatole France gives us a clue to interpretation as a form of education. Like a teacher, the interpreter is responsible for conveying historical information to other people on their level of understanding. This is accomplished not by a lecture, however, but by using historical materials with verbal commentary to convey the information. Like the teacher, the interpreter must be in control of the audience, must win their confidence and interest, make them comfortable with the subject, and relate it on their level of understanding. But unlike the teacher, the interpreter has to deal with all ages and manner of people.

Thus, the interpreter uses some of the techniques of the teacher and others which are peculiar to the purpose and resources of an historical museum. The quotation above gives another clue to the interpreter's simimlarity to an educator. The interpreter's primary responsibility is <u>not</u> to transfer as much information as possible in the allotted time he or she spends with the visitor. A certain amount of important points must be made. But more important is the stimulation of the visitors curiosity and the skills to produce that stimulation. Unless you also accomplish this when you are relating information, the visitor will walk away and like the student who could not relate personally to what he heard in the classroom, very quickly forgets. That personal searching and inquiry, that application to experience later in life is lost!

Interpretation is the primary product of the collective effort of all of us who work for historic sites. It is a profession. It has not always been so, however, as it was not long ago that the role of an interpreter was only dimly understood, and people often thought of these persons as "museum guards." As museums have become more conscious of the importance of the need

*Lincoln's New Salem State Park Interpreter's and Volunteers' Handbook, January 1981

to make comprehensible their historical subjects and collections, person-to-person interpretation has become an important tool. Exhibits, films and audio programs also serve this purpose, but have their limitations. They are best complimented by the unique interaction and feedback that only living human beings can provide. For a large living history museum such as New Salem they are the primary interpretive medium.

Not everyone is capable of being an interpreter. A predisposed personality, an historical inquisitiveness, and high standards of conduct are prerequisites for achievement. It is a specialized calling worthy of full or part-time career pursuit. For those who choose it, the rewards can include both professional and personal fulfillment...

WHAT IS GOOD INTERPRETATION?

There are some guidelines which can help you improve your interpretation. It is very difficult to define what it is about a particular interpretation that makes it superior as so much depends upon individual method and style. Generally the items in the checklist below are characteristics of the successful interpreter. From time to time it is recommended that you re-read this list and evaluate yourself.

Interpreters' Checklist

1. Do I keep in mind that my business is people? Am I correspondingly gracious and friendly with every visitor, even when I may not feel like it? Am I patient?

2. Am I staying well-informed of my subject? Am I doing everything I can to expand my knowledge? Do I use available libraries?

3. Do I welcome visitors as if they are guest in my home?

4. Do I establish a rapport? Do I ask questions of visitors, their interest and their experiences? Do I use them as learning resources?

5. Do I lecture or do I carry on a discussion? Do I give all the information I have or do I let people think and offer ideas? Do I make people sufficiently comfortable to ask questions?

6. Am I turning into a "tape recorder"? Or do I try new ways to vary my dialog?

7. When I point out an artifact do I relate its use of the significance it had to its owner, or am I reciting styles and dates? Have I taken the initiative to learn about the process from which an article was made or in which it was used?

8. Do I "tailor" my interpretation? Do I relate a subject to an individual's level of understanding? Do I first read my audience? Do children understand me? Do I relate foreign subject matter by comparing it to similar present-day experiences?

9. Do I sometimes bluff it? Do I have the self-respect and integrity to say "I don't know." Do I direct the visitor to another staff member or sources which may provide answers?

10. Do I dictate answers or do I realize that there may be more than one explanation for an historical phenomena, and that mine may be only one viewpoint?

11. Do I leave personal opinions on controversial subjects out of my interpretation?

12. Do I keep abreast of what the museum expects of me? Have I read the latest interpretive papers?

13. Am I a creative asset to the museum? Do I look for new methods of interpretation? Do I bring my concerns, questions, ideas and recommendations to my supervisors? Do I make history exciting? Do I make learning enjoyable?

14. Am I a model professional and example to beginning interpreters? Do I deserve the respect of my colleagues?

15. Have I or am I likely to have visitors return?

"SIX PRINCIPLES FOR EFFECTIVE INTERPRETATION"

I. Any interpretation that does not somehow relate what is being displayed or described to something within the personality or experience of the visitor will be sterile.

II. Informtion, as such, is not Interpretation. Interpretation is revelation based upon information. But they are entirely different things. However, all interpretation includes information.

III. Interpretation is an art, which combines many arts, whether the materials presented are scientific, historical or architectural. Any art is in some degree teachable.

IV. The chief aim of Interpretation is not instruction, but provocation.

V. Interpretation should aim to present a whole rather than a part, and must address itself to the whole man rather than any phase.

VI. Interpretation addressed to children (say, up to the age of twelve) should not be a dilution of the presentation to adults, but should follow a fundamentally different approach. To be at its best it will require a separate program.from:

*Freeman Tilden Interpreting Our Heritage Chapel Hill, 1967

THOUGHTS ON HOW TO INTERPRET MORE EFFECTIVELY. . .*

1. Freeman Tilden tells us "Interpretation is more of an ART than a SCIENCE." Just as the artist ruthlessly cuts away all the material that is not vital to his story, the interpreter should dip into his own artistic expression, give FORM and LIFE to his material, and tell a story rather than recite an inventory."

   All of the interpreter's good intentions are unavailing unless he or she understands that:

   "Form is the essence, and pedagogical miscellany is a bore to the man on a holiday."

   In other words, do not burden your guests with too many details unless you feel they want details. It is better for the visitor to leave the area with a few clear understandings than with a sense of confusion.

   Discuss broad ideas with your guests. Visitors need help in connecting your work process and demonstration with the contextual historical significance of the activities.

2. Encourage your guests to ask questions and do not hesitate to ask them questions about what they might have learned already. Strive to create a relationship in which you are talking <u>with</u> your visitors; not <u>to</u> them.

   Use your knowledge of the site to initiate discussions. Spark your visitor's curiosity and interest in the historical and cultural significance of what you are doing. Many visitors feel uncomfortable in starting a conversation with you. It is easy and natural for a visitor to ask what may seem to be a "dumb" question, or a question that you have heard one hundred times before. Be patient. Remember, these visitors are trying to communicate with you.

3. If you do not know the answer to a question, do not guess. Simply say "I don't know," and try to find the answer.

4. Your own attitude does much to set the tone of your conversation with visitors. Express your enthusiasm and excitement for what you are doing. If you are bored with your work, it will show.

*From Candace T. Matelic's, "Handbook for Interpreters," Developed for Living History Farms, Des Moines, Iowa.

5. Treat all visitors in a friendly and courteous manner. You will encounter all types of people during the season. There will be visitors who will question everything and try to catch you on the most minute detail of unauthenticity. There may even be visitors who are uncourteous and ruin your day. But the majority of visitors genuinely appreciate your concern and help. These people will make your long, hot, sometimes frustrating days worth every ounce of your energy. It is an experience you will draw on for the rest of your life.

WISDOM IS NOT A KNOWLEDGE OF MANY THINGS, BUT THE PERCEPTION OF THE UNDERLYING UNITY OF SEEMINGLY UNRELATED FACTS.

(John Burnet, on Herakleitos of Ephesos)

THE WORLD EXISTS FOR THE EDUCATION OF EACH MAN. THERE IS NO AGE, OR STATE OF SOCIETY, OR MODE OF ACTION IN HISTORY, TO WHICH THERE IS NOT SOMETHING CORRESPONDING IN HIS OWN LIFE.

(Ralph Waldo Emerson)

DO'S AND DON'TS OF INTERPRETATION*

Interpretation of historic sites is often ruined if interpreters ignore certain basic rules, such as these:

1. Make your talk short and to the point. If you must err, do it by saying too little rather than too much.

2. Change your interpretation a bit each time you speak to visitors. If you memorize what you are going to say, like the salesman at the door who has to start all over again if he is interrupted, you may be painfully embarraased if you "forget your lines."

3. If you make a mistake, say so and laugh it off. Visitors identify with the human qualities of an interpreter who is not infallible. Besides, the heavens won't fall.

4. Always remember that you know more than anyone else in the group of visitors. When you are scared, look them straight in the eye, take a deep breath, and say to yourself, "I know more than you do." Let them sense your confidence, but never show a feeling of superiority.

5. Don't preach: leave that to the pulpit. Say what you have to say as well as you can and hope for the best.

6. Keep some information for questions, rather than immediately telling all you know. Visitors like to ask questions and are often likely to come up with good ones.

7. Speak in a natural, informal way, never in singsong. Try to give the impression that you just happened to think of a particular point that visitors might enjoy hearing about.

8. Leave yourself and your personal opinions on controversial subjects out of your interpretation. Visitors did not come to hear about you, but about the site.

9. If visitors appear bored or indifferent, do evaluate what you are saying and how you are saying it. Cut it short and bring in a few of the most interesting points you've researched for such occasions.

10. Remember that you are the historic site, so far as visitors are concerned--the front line. You can make or break visitors' interest in the site and in what it has to say to the modern world.

*From William T. Alderson and Shirley Payne Low, Interpretation of Historic Sites, American Assocation for State and Local History. Nashville, 1976

Basic Speaking Skills*

Three Basic Communication Rules

1. Have Something important to say.
2. Want someone else to understand or believe it.
3. Say it as simply, meaningfully, and directly as possible.

Contact with Audience

Make the members of the group feel that you are talking to each of them personally. Listeners are repelled by a speaker who seems unaware of their identity as individuals.

1. Look at individuals directly.
2. Maintain a conversational tone in voice.
3. Show you have an earnest desire to communicate.
   a. Concentrate intently on both your subject and your listeners.
   b. Study individual reactions as evidenced by facial expressions, bodily posture, and other indications such as inattention.

What Do You Do If Contact Is Lost With Several Members Of The Group?

1. Change quality of voice
   a. Pitch
   b. Loudness
   c. Inject more enthusiasm
2. Gesture
3. Move

Remember, it is not necessary for you to follow any specific order in each room. If you feel your audience is becoming bored with a particular discussion, move on to another item or subject. Also, varying the pattern of your tour will benefit the enthusiasm you bring to the discussion.

Bodily Behavior

The audience reads meaning into a speaker's facial expressions, into the way he stands and walks, and into what he does with his head, arms, shoulders, and hands.

*Sherman Thuren, M.A., Dept. of Speech Communication, Southern Illinois University.

Posture

1. Erect
2. Alert
3. Comfortable and natural
4. Dont's
   a. Don't hide behind furniture
   b. Don't let weight fall on heels
   c. Don't bounce up and down or sway
   d. Dont't stand so comfortably that you are slouchy or so erect that you are stiff.
5. Show that you are in command of the situation

Movement

1. The eye instinctively follows moving objects and focuses
2. If your movement is natural, easy and purposeful, it will help you hold attention, maintain interest, and express your thoughts more clearly.
3. How much movement is desirable? How often should you change positions:
   a. Follow your natural impulses
   b. Move when you feel the desire to do so
   c. Make physical activity as meaningful as possible
      1) Move to object in room
      2) Move to give permission to explore
   d. Avoid continuous and aimless pacing
   e. Avoid standing glued to a single spot
   f. Change of position lets listeners know that you have finished one idea and are ready to start another
   g. Step forward as a means of stressing an important point

Example: Movement in the context of conducting a tour is most essential. Not only does your movement guide the visitors physically and intellectually from one artifact to another, it also gives them some idea of the areas they are allowed to explore and those they must not. Your manner will dictate the conduct appropriate for the visitor. Your movement, therefore, controls the crowd in the room, and it is necessary to adapt movement to the size of the group. Indicate if they should move to a certain area of the room or merely turn around to view an item..

Gestures

In addition to moving, you can use gestures to clarify or to emphasize the ideas in your speech. By definition, gestures are the purposeful movement of some part of the body--head, shoulders, arms or hands--to reinforce or to demonstrate what you say.

Gestures will help to:

1. Clarify and stress ideas
2. Hold the listener's attention
3. Stimulate interest and attention

But,

1. Don't pretend in an uncharacteristic way
2. Gestures should be a natural response or reinforcement of ideas
3. Don't plan gestures

Example: All of the points stated above apply to the practical type of gestures utilized during a tour. It will often be necessary to incorporate hand gestures to enhance the descriptin of the operation of artifacts. Since these gestures are purposeful, they will emerge naturally, and the speaker need not be concerned, in most cases, with formal gestures.

COMMUNICATION SKILLS*

Have you ever considered speech and its importance to you? You utter thousands of words for every one your write, and hear hundreds for each one you see in print. There are many more occasions for use of the spoken word than for the written word, and this is especially true for interpreters who daily meet site visitors face to face. Therefore, effectiveness in speaking, whether to an individual or to a large audience, is a valuable asset.

Speech--the communication process--may be traced from an idea to an audience. Idea, speaker, and audience are equally important elements. The speaker must give special attention to ideas and their organization and development. But it is obvious that this is futile unless the audience is attuned to sound and receptive to ideas. Talk is for people, and the succecssful speaker is constantly aware of the nature and characteristics of the people to whom he/she speaks.

Your audience is made up of individuals free to withhold or to give attention. The listener, present of his own volition, has voluntarily surrendered his/her time to hear what you have to say. In exchange, the visitor is entitled to hear something interesting, to hear it from someone who knows what he/she is talking about, and to hear it presented in an intelligent and attractive manner in a pleasing voice. If any of these conditions is not fulfilled, you will lose the attention of your audience.

Listening Barriers:

At 8 p.m., on October 30, 1938, the famous radio program, War of the Worlds, starring Orson Wells, went on the air.

The program was a series of fictitious news flashes describing a Martian invasion of the world. Although repeated announcements stated the program was fiction, more than one million people were gripped with abject fear. During the program, Welles saw the studio's control room filling with police and realized they had caused a panic of national proportions.

This incident points out one thing--how poorly people listen. There are certain barriers to good listening that you as a speaker must overcome.

1. Listening takes energy. It is not a passive activity and is characterized by quicker pulse and a rise in body temperature.

2. Concentration is difficult. The average speaker talks at about 125 words per minute, but the mind can race much faster. If you cannot pull the listener back, he/she soon goes off on mental tangents and finally into mental excursions far from your remarks.

3. Distractions break thought patterns. Children crying, people talking, outside noise--any number of things can compete for the listener's attention or cause him/her to lose interest.

*Lincoln's New Salem State Park Interpreter's and Volunteer's Handbook, **January 1981**

4. Listener's fantasy. This is a Walter Mitty reaction caused by 2 and 3 above. After a few flights of fantasy, the listener may be having more fun than you can provide and is thereby lost for the rest of the program.

Audience background.

Site visitors comprise all types of people, representing widely varied experience, education, and temperament. If your interpretation assumes an audience with a background different from that actually represented, your audience will soon lose interest. You must state your message in terms familiar to the audience, relating to a situation familiar to them.

Audience intelligence.

A certain background of information and vocabulary may be necessary before the audience can understand and accept what you say. When your audience does not possess that background, it must be supplied. In doing so, you should assume that the audience is as intelligent as yourself, though unschooled in the subject matter. Your task is to arouse interest in something that is familiar to you---something that you have discovered and found interesting and are anxious to share with others. There is no greater fault in speaking than that of talking down to an audience.

Audience interest span.

As a speaker, your first job is to attract the scattered and casual attention of the audience, and to focus it upon your subject.

Your manner of approach, your voice, and most important, what you say first, will determine whether you take the audience with you, or lose them. But to focus initial attention is not enough, for attention wanders and a speaker is never more than a minute or two away from loss of visitor interest. A skillful speaker repeatedly uses techniques for pulling wandering interest back to the suject. A change in voice inflection, of pace, an illustrative story, a rhetorical question, a comparison, a quotation, a picture, or an object are examples of such devices. Straight recitation of a series of facts without embellishment will lose most of the audience many times during the course of a talk, and is not interpretation.

In summary, a good speaker is aware of the expectation, interest, education, and experience levels of the audience. He/she approaches the audience at their level, and builds from that toward his/her objective.

Good articulation is basic to good speaking. Volume alone will not carry your message if your words are spoken indistinctly. On the other hand, with good articulation, less volume is needed to carry the voice to the audience. A deadpan, motionless lip delivery will result in muffled, slurred, and indistinct tones. Good articulation is a result of active use of throat, tongue, teeth, and lips.

Your normal speaking key is generally best for you. Normal pitch places less strain on your voice, and provides the greatest latitude for expression. However, the excitment of appearing before an audience often raises the voice one or two tones above normal pitch. The very fact that the voice is too high prolongs stage fright, and the voice may never drop to its normal level. For most people, then, it is good practice at the beginning of a talk to deliberately lower the voice one or two tones. This may even place the voice below its most effective pitch, but it will soon move up to its natural level.

Again, remmeber the 3 A's: Articulate, Adjust volume, and Achieve tone quality. These mean simply 1) speak distinctly enough to be heard and slowly enough to be comprehended; 2) speak softly enough in the quiet, and loudly enough in the not-so-quiet, so that you are heard clearly; and 3) let the sound flow forth at a pleasant pitch, without nasal impediment nor grunts nor squeaks nor rattles. Be not remembered for the rasp in your vocal chords, nor for your soft southern drawl or any other dialect, unless you articulate clearly enough for all to understand.

Speech Mannerisms.

Recordings of your voice probably will reveal certain mannerisms of speech. Some are bad, some neutral. Only you can correct them. The most common and objectionable is the habit of punctuating each pause with an "ah" or "uh." Keep your mind ahead of your voice and there will be fewer pauses and fewer occasions for "ahs." When you do pause, make it a silent interval. There is nothing wrong with a few of these. Pauses properly used are oral punctuation marks. Other mannerisms include habitual use of certain words or phrases, or of a set pattern of sentence structure. Use variety--synonyms for commonly used words, a varied sentence structure--to improve the cadence and swing of your talk.

Use of Words

Your talk will be diluted and weakened by words poorly chosen or improperly used or used too profusely. Carefully selected words, used judiciously and economically, give vigor and color to your ideas. Chose words that say exactly what you mean.

Simple words.

Sometimes you will need to say with regard to, for the purpose of, with reference to, in the nature of, with view to, or to use modifying adverbs such as worked diligently, fed abundantly. Habitual speech patterns of this kind, however, result in momotony and dilution. Most of the time the single unadorned word is more forceful and more precise: about, for, like, if, to, or labored or feasted.

Understandable words.

Use language of the layman rather than technical, professional, or abstract terms. For example, do not use "piece" for rifle or gun, or "redoubt" unless it is explained to be a type of fort, or "cannon emplacement" for cannon platform.

This does not mean that you must avoid difficult or technical words; they are very useful. People like to add new words to their vocabulary, and you can help them do this, while at the same time giving more precise meaning to your statements. Just be sure that you make clear to your audience the meanings of the new words and concepts.

Using Audience Feedback.

Immediately after you have given a presentation is the time to start thinking about how to improve the next one. Did parts of the talk seem to leave you dangling or otherwise fail to come off smoothly? Did you forget an important point? Were there times during your talk when you sensed that the audience was not with you? How about parts that may have envoked unusual audience interest--could you expand here next time? Make notes of these ideas while they are still fresh in your mind.

To help improve your techniques, you will want to know the reaction of others to your talk. Several courses of feedback are available. Use all of these techniques.

1. From the audience. Facial expressions during your talk can give you a good idea of how your words are coming across. The inevitable question asked of you in an informal way afterward also will give you clues as to whether you were on target. Sometimes your visitors will volunteer helpful criticism. This is most likely to happen when you talk with them after your presentation. Nothing is wrong and everything can be gained by asking for such feedback from someone with whom you have established rapport.

2. From your co-workers. Ask your co-workers to attend and give constructive criticism. They, too, can observe the audiences' reaction, usually from a vantage point within the group.

3. From your supervisor. Sooner or later your supervisor . . . . will critique your presentation. Remember that his/her purpose is to help you, not to find fault. Take his/her suggestions in the spirit of welcoming self-improvement.

4. From the tape recorder. Tape one of your regular talks before an audience. Listen to it. Audience situation tapes are especially useful in detecting unsuspected habitual use of words, phrases or other speech defects. This can also be a positive technique. You will hear some good points about your talk you didn't realize were being projected. Correct points that needed attention and retape. Continue this until you feel all improvements were made. This is a good way to spot check yourself for self-evaluation.

   Always remember FEEDBACK is a valuable resource and never should be feared. It is a tool used for continuing interpretive improvement.

RULES AND REGULATIONS FOR VISITORS

The following regulations apply specifically to use of the Lincoln-Herndon Law Offices and Old State Capitol.

1. Food and Beverages: Food and drink may not be brought into or consumed in the Sites by visitors. The only exceptions will be that dispensed by the staff at special events or at such times of fee rental of the facility.

2. Smoking: Smoking is not permitted in the sites during public visitation. Exceptions will apply at such times of fee retnal of the facility and only in the orientation area in the Lincoln-Herndon Law Office.

3. Drugs: Controlled substances are not allowed in the site.

4. Intoxication: No person, who, in staff judgement, is in a state of intoxication which might jeopardize the safety of other visitors or the site collection shall be allowed in either site.

5. Pets: Visitor's pets are not allowed in the building. Seeing-eye dogs, however, are welcome with their owners.

6. Use of artifacts and structures: Visitors are not allowed in any areas not included on the tour route. They are not to handle the artifacts or open doors or drawers. Visitors are not allowed to damage or change the appearance of any aspect of the living or built environment within the structure or on the grounds

7. Photography:

a. Hand-held cameras. (with or without flash attachments) may be used in areas accecssable to the public without prior approval. But - the photograher MUST stay with the tour group and may not go behind barriers.

b. Tripods and/or artificial light stands may not be used unless prior approval has been granted by the site superintendent. Use of tripods during the busy tourist season will be limited to nonvisitation hours under the supervision of a designated staff member.

c. Video equipment which is not hand-held is considered similar to tripod use and the same procedure will be followed.

d. Commercial and professional photography of any kind is forbidden, except with the permission of the site superintendent.

8. Sales, Solicitation and Advertising: Any individual or group conducting any of these activities must have written permission from the site superintendent.

9. Meetings: Meetings or activities of any group including any religious group or sect must have prior written approval of the site superintendent.

10. Organized Groups and School Groups: The leaders of all groups of ten or more people must register at the beginning of their tour. This enables us to have a record of visiting groups.

The Springfield Convention and Tourism Bureau handles advance registration for most groups. Wherever possible groups with this type of reservation will be given priority entrance to the sites.

11. Supervision of Students and Adults: Adults shall be responsible for the conduct of these regulations for all minors under their care. All school groups must have at least one adult chaperone for every 15 minors.

12. Knives are not permitted to be removed from pockets.

13. Visitors are not permitted to wave walking sticks in the collections.

14. Visitors to the Lincoln-Herndon Law Offices are not to be use the elevator until such a time as it is brought up to code.

15. The Lincoln-Herndon Law Offices do not have public restrooms.

PROCEDURE FOR HANDLING VIOLATIONS OF VISITORS

Minor Violations**

Inform the visitor courteously but firmly of the rule infraction. If the behavior continues, state firmly that unless it stops the tour will be concluded immediately. If it still continues, move the tour pleasantly to the nearest exit. Smile nicely. Tell then you hope they have enjoyed their tour.

Major infractions**

Inform the visitor courteously but firmly of the rule infraction. If the behavior does not cease, report it to a staff person. If that fails, the site superintedent shall take appropriate actions to remove the individual from the site.

**Please note that in 99.9% of the cases the behavior does stop immediately. The key is to handle the situation with grace and tact.

Security - What does it mean?

The security of the Lincoln-Herndon Law Offices is the number one responsibility of each staff member and volunteer because it is essential to the primary site goal: preservation. Security involves a number of procedures designed to minimize the possibility of theft or damage through vandalism, fire, etc. as well as the preparedness and method of reaction expected from interpreters should such loss occur.

It does not merely include threats to the furnishings and collections, although this is the more immediate area of responsibility for interpreters and volunteers. It also includes the security of the building and grounds. Finally, and of equal importance, it includes threats to the security of the visitors.

Your attitude toward yourself and your work is the key to effective site security. You are recognized as a museum professional and at all times while on the job you should conduct yourself in an exemplary professional manner. Your self image will show in the image you project to the public. The visitor will be most responsive and respective if treated politely and couteously.

There are several procedures a good interpreter follows to provide effective security in leading people on tours.

1. Make a visual scan of the artifacts each time you enter a room.

2. Create a sense of respect for the objects as an irreplaceable part of our cultural heritage.

3. Be cordial and not condescending but establish a sense of gentle authority that shows the visitor you are "in charge."

4. Explain in a pleasant manner that handling objects is unacceptable. "Please join me in not handling the objects" is much preferable to "you are not allowed to sit, lean against or touch items in these rooms."

5. If someone forgets, do not embarrass him or her with a rude admonishment. A gentle reminder of the object's age will suffice. "I know it's a temptation to handle this but when I remind you of its age, I'm sure you will understand."

6. Never turn your back to a group. Always face them from a position where you can keep everyone in view, such as a corner or the next doorway.

7. When visitors exit from a building, position yourself in such a manner that you can see each one exit and count the group to be sure each person has gone.

8. At the end of the day, be sure to scan each room carefully for the collection.

PROCEDURE FOR REPORTING THEFT, VANDALISM, ETC.

Reports of theft or vandalism should be made immediately to the Site Superintendent. They should be as detailed and accurate as possible. If necessary witnesses should be identified and statements of details should accompany the report.

BOMB THREATS

1. Any bomb threat is no joke and should not be treated as one.

2. Alert a staff member immediately.

3. Evacuate the building.

4. Contact the police and report what was said.

A WORD ABOUT "STREET PEOPLE"

The Lincoln-Herndon Law Offices and Old State Capitol are located in the center of the downtown area. Because the sites are free, it is not uncommon for some of the city's homeless to visit in the winter for warmth and the summer for coolness.

Although these visitors may appear threatening because of their appearance, most are lonely, displaced people who are not harmful. In fact it is not uncommon for older residents to bring newer members of their community through the sites on tours. Treat them gently but firmly. If they are intoxicated, tell them to return on a day when they are feeling better. If you are in doubt, call upon a staff member for advice.

INSTRUCTIONS FOR EMERGENCIES

FIRE

Fire is the number one enemy of historical sites. The safety and lives of the visitors depends on the prompt and efficient reaction of the site personnel. In addition, the survival of the artifacts is directly related to the speed with which the fire is reported.

In the event of a fire, act quickly but remain calm.

1. Calmly direct your visitors to the closest exit. Stay with them until all are outside safely. The fire stairs are located on the south end of the building. The other exit is down the center stairs. Do not use the stairs from the Federal Court down - - they are a dead end!

2. Quickly inform the closest staff member of the fire location. Emergency number is 911. The fire department is close by and responds quickly.

3. Fire extinguishers are located in each stove, except in the Federal Court. There one will be found in the stove closest to the door. If the fire is contained and you have had training in using a fire extinguisher - use one. Extinguishers can be extremely effective on fires up to several yards in dimension. When using a fire extinguisher, keep the extinguisher low-aimed at the base of the fire.

Your primary obligation is to get the visitors safely out of the site and to make sure that the fire is reported.

INJURIES, ACCIDENTS, ILLNESSES

Emergency procedures should be committed to memory by each staff member and volunteer. The correctness and efficiency of such procedures not only affect the welfare of the visitor, but could very well affect your legal liability and that of the Agency.

FIRST AID PROCEDURE

1. General Information

a. These instructions are intended primarily for the interpreters of the Lincoln-Herndon Law Office and their supervisors to permit an injured person to receive effective first aid. Sections 3 and 4 below are intended only as general guidelines; they are not a substitute for the knowledge and skill needed to give first aid in specific cases (for example, heat exhaustion or heart attack). The emergency number 911 will be called to deal with all serious cases.

b. If you are unsure of what to do to help the injured, do not touch the person.

c. You are not legally obligated to give first aid, but first aid can save lives. However, even if you do not give first aid, you can be helpful in other ways. (See section 2 below).

In the event of injury:

2. If you decide not to give first aid, you can still be helpful.

a. Keep others away from the injured so that first aid can be given.

b. Contact a staff member to take charge.

3. If you decide to give first aid in the event of a fall or accident:

a. Keep the injured lying down

b. Keep the injured still, but do not force the injured to be still.

c. If the face is red, raise the head.

d. If the face is pale, elevate the feet. Place some clothing or a book beneath the appropriate end.

e. Otherwise do not move the body, especially if there is a possibility of broken bones.

f. If signs of shock appear, cover the victim.

g. The most important factors are:

1) keep the victim breathing

2) stop the bleeding

3) obtain help from a staff member, who will attempt to direct activities and actions.

MINOR ILLNESS

1. Direct the person to a place where they can sit. The church pews on floor two are a good place or the bench on floor three. Ask your group to follow you and stay together until you can get help.

2. Summon staff

3. Do not administer or offer asprin or drugs of any kind.

4. Do not call an ambulance, doctor or 911 emergency number without permission of the ill person or accompanying relative, guardian or friend. Preferably let the staff member handle the issue of using the telephone.

MAJOR ILLNESS

1. Do not attempt to make the person move. Have the person sit or lie down where they are.

2. Summon help. Ask your group to stay together.

3. A staff member should assume responsibility for the situation as soon as possible.

4. Do not administer drugs or asprin.

5. Keep everyone calm until help comes.

TELEPHONE FOR AN AMBULANCE

1. Unless you judge the situation to be a life and death matter, let the staff person make the decision about when and how to summon professional help. The staff member will attempt to find out who is with the injured or ill person, and will then either have the relative call the ambulance or will obtain the verbal permission of the injured person or the relative to call the ambulance.

2. It is important that they realize that neither the state nor the Illinois Historic Preservation Agency is responsible for paying for the ambulance. Let the staff member deal with this information.

ACCIDENT REPORTS

1. Staff members and volunteers present at the scene should cooperate in filling out a full and complete written "Personal Injury Report." This should be done immediately after the situation is under control and before the witnesses can leave the site. Make sure that names, addresses, and phone numbers of witnesses are complete. Be thorough and detailed about your observations of the nature of the illness or accident, the condition of the area in which an accident occurred, what was done for the victim and the names of persons who asissted you. This is primarily the responsibility of staff members, but your information will help.

2. Personal injury reports will be located in the desk in the break-room.

ILLINOIS HISTORIC PRESERVATION AGENCY
DIVISION OF HISTORIC SITES

VISITOR ACCIDENT REPORT

(ANSWER ALL QUESTIONS IN DETAIL)

AREA: _____

Date _____, 19 ____

Name of Person Injured _____

Address _____

Social Security No. _____ Age of Injured _____

Place of Accident _____

Date of Accident _____ Time _____

Weather Conditions _____ Daylight or Dark _____

Attending Physician _____ Address _____

Was Physician Called to Scene of Accident _____ By Whom _____

Was Injured Person Removed to Hospital _____ Where _____

Extent of Injuries _____

_____

Detailed Report as to Nature and Cause of Accident _____

_____

_____

_____

_____

_____

_____

Accident Witnessed by _____ Address _____

Accident Witnessed by _____ Address _____

Accident Witnessed by _____ Address _____

What Time Were Notified of Accident _____

This report is a MUST. Please complete immediately—send photos of place where accident occurred for further reference with this report.

THE LINCOLN-HERNDON LAW OFFICES INTERPRETIVE DESIGN

BY MARK JOHNSON AND RICHARD TAYLOR

STATION #1: Tinsley Building Woodcut

Theme

--The building that is now the Lincoln-Herndon Law Office State Historic Site was originally erected as a store building.

--Only a portion of the original Tinsley Building survives.

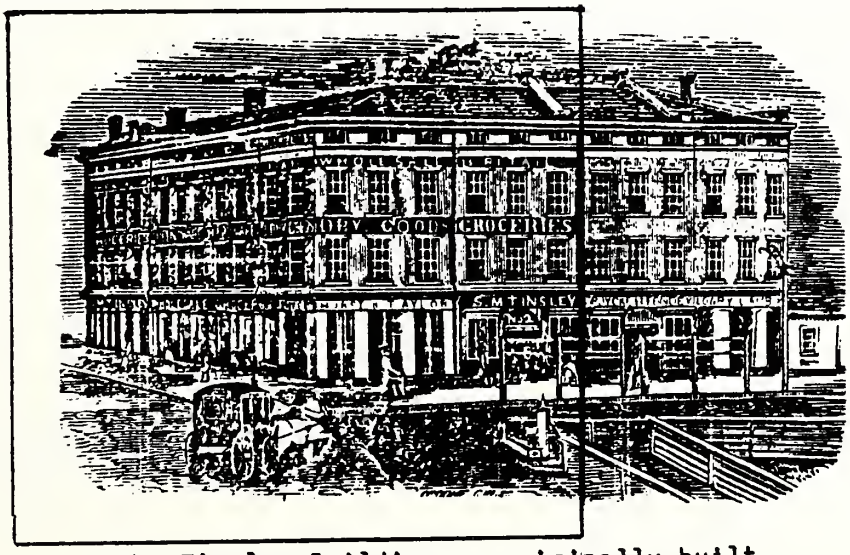
--The Tinsley Building was constructed in the Greek Revival style popular in the 1840s.

Material Support

--1850 woodcut of the Tinsley Building

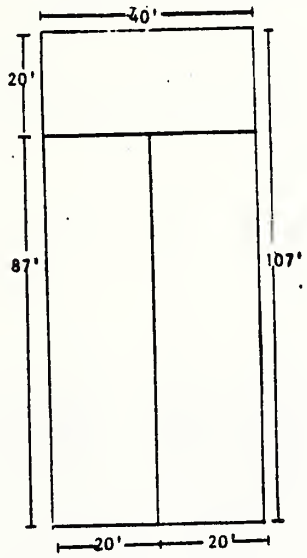
Begin by introducing yourself and welcoming your guests to the Lincoln-Herndon Law Offices State Historic Site. Point out the woodcut and explain that it is the only picture that we have of the building as it appeared while Lincoln's office was in it. The woodcut comes from the Illinois State Journal, where it appeared in only one issue (June 4, 1850) as part of an advertisement for Springfield merchant Seth M. Tinsley. It was Tinsley who erected the structure for use as a store building.

Tinsley bought the lot upon which this building now stands on July 7, 1840 for $3,500 and in 1840-41 he erected what Springfield residents called the "Tinsley Building," which was really only that portion of the woodcut drawing shown below. Tinsley did not own the other portion of the large structure.



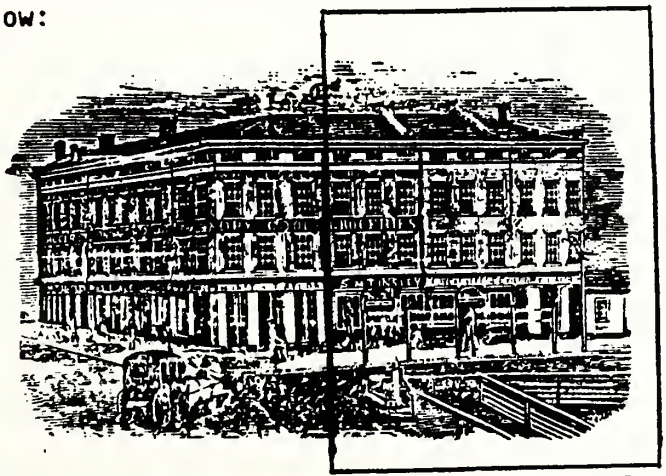
The Tinsley Building as originally built.

Tinsley erected his "building" in three rectangular segments that shared common walls. Here is how three segments were arranged:



Such construction plans were common in antebellum America. The long, narrow segments set on city lots and were easier to build in the era before structural steel, when support beams were made of wood.

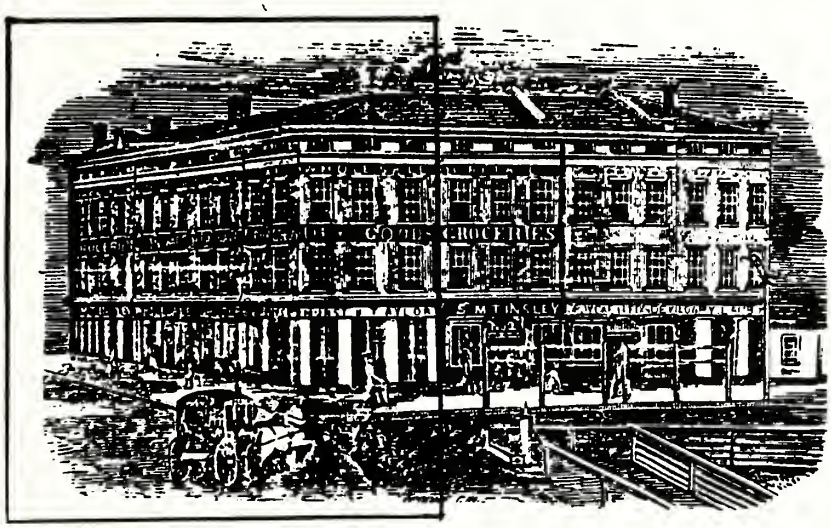
Tinsley sold the property to Philip C. Johnson in 1850 for $12,000, and the building, which passed through several subsequent owners, remained relatively unchanged until after the civil war. In 1872 C. M. Smith, Lincoln's brother-in-law, acquired the west half of the Tinsley Building and the next two 20' lots on what was then Adams Street, making a total of 60'. In other words, he acquired the portion of the 1850 woodcut shown below:



Smith then tore down or completely remodeled (it is unclear which) his property to create a new 3-story brick store building that became known

as "Smith's Block." It would take a structural investigation to determine how much of the old building Smith destroyed and how much was incorporated into his new "block." It is certain, however, that Smith entirely changed the character of his portion of the origianl building from Greek Revival to something more in accord with post-civil war tastes. In 1872 one newspaper described "Smith's Block" as "in the highest style of the art."

All that remained after Smith's 1872 changes is the portion of the 1850 woodcut shown below. It is this portion of the original that is now owned by the State of Illinois:



Note that the state owns one entire segment and half of a second segment of Tinsley's original three segments. The old post office room is actually the part of the east-west segment not altered by Smith.

The known facts of Seth Tinsley's life are somewhat sketchy. Born in Virginia, Tinsley married Hannah Taylor in 1833, and they had eleven children. The "Taylor" and "Hurst" shown in the 1850 woodcut were E. D. Taylor and Charles R. Hurst, Tinsley's brothers-in-law. The three men evidently formed and re-formed various business partnerships over the years. Ever-changing partnerships and business alliances with family members were two common features of the antebellum mercantile world. It was safer to rely on family in such a highly mobile society where there were so many strangers moving in and out of town.

Tinsley evidently did well for several years. He owned a fine home and erected a large "Metropolitan Hall." He was a director of the Merchants and Farmers Bank in 1852, opened a large lumber yard in 1856

and a large flour mill in 1859. Then it seems clear that he ran into personal and financial trouble, as this following account of his last years suggests:

> His wife died February 23, 1867, at age 56, and her funeral was held at St. Paul's. Tinsley seems to have then closed or lost his home, because on March 25, 1868, when a fire destroyed the Metropolitan Hall which he no longer owned and which had been converted into a mill, the Illinois State Register reported that Mr. Tinsley, the former owner, had a sleeping room in the building and nearly lost his life in the fire.
>
> The next year (1868) Tinsley died at 62 years of age and was buried in the Hutchinson Cemetery, but his remains were moved to the Oak Ridge Cemetery in November 1870 and buried in an unmarked grave in the lot of his brother-in-law, E. D. Taylor. Tinsley left no estate to probate, and none of his eleven children seem to have resided in Springfield at the time of his death.

Tinsley erected his building in 1840-41 amdist a local building boom fueled by speculative expectations arising from the relocation of the state capital from Vandalia to Springfield. Here is how the editor of the Sangamo Journal expressed those expectations after the legislature voted in 1837 to move the capital:

> The owner of real estate sees his property rapidly enhancing in value; the merchant anticipates a large accession to our population, and a correspondent additional sale for his goods; the mechanic already has more contracts offered him for building and improvement than he can execute; the farmer anticipates, in the growth of a large and important town, a market for thevaried products of his farm; indeed, every class of our citizens look to the future with confidence that we trust, will not be disappointed.

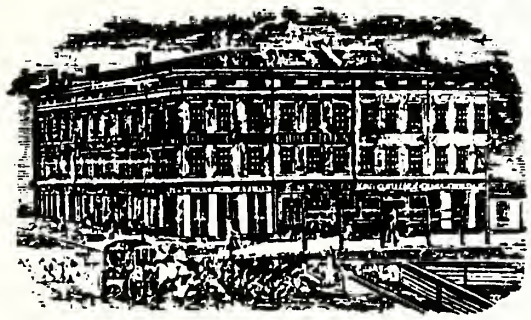
Springfield's population more than doubled between 1837 and 1840, from about 1,200 to about 3,000. Hopes were particularly strong for property around the square, where construction of a new State House began in the summer of 1837. New business structures sprang up on the four sides of the square and adjacent blocks as well, and it was said in the summer of 1840 that no less than one hundred buildings had been erected. Merchant Seth M. Tinsley's new building was one such structure. The large, exuberant signs displayed on the building, which were typical of the period, suggest something of the optimism and spirit of commercial boosterism that inspired Tinsley to erect the structure. Here is how historian Paul Angle described the enthusiasm generated by Tinsley's new building:

> This building [the Tinsley Building], no less than the Hoffman's Row block, was for its time one of the town's show places. Its construction was commenced in 1840, and January of the following year saw it ready for occupancy. Not only was it the first three story building to be erected on the south side of the square, but it was also said to be the finest business house in central Illinois. S. M. Tinsley, a Springfield merchant, was the owner, and the actual work of construction was done under the supervision of a Pennsylvanian named Martin.
>
> An art exhibit marked the opening of the new structure. On January 27, 1841, an 'Exhibition of Paintings' consisting of 'Upwards of one hundred highly finished drawings, in water colours, minatures, etc.,' was advertised as being on display in 'S. M. Tinsley's new building.' A month later notice was given that S. M. Tinsley & Co. 'Have removed their entire stock of Goods to the New 4 story (four by counting a sort of half floor at the top) brick building, on the southeast corner of the public square . . . where they have on hand a good stock of staple and Fancy Goods which will be sold cheap to cash or short time punctual customers, and to our old and tried friends on the usual terms.' Very soon the United States Government rented a part of the building for the use of the United States Circuit and District Court, and for several years the post office was located there also.

Although Tinsley planned his new building for use as a store, he rented most of the space in the structure to other merchants, the federal government, and local lawyers for offices. Lincoln and two of his three law partners rented space on the building's third floor for at least six (1843-1849) and probably nine years (1843-1852). In Lincoln's day, the federal government rented a first-floor room for the post office and the entire second floor for a courtroom, judge's chamber, and clerk's office. Tinsley himself changed partners and locations several times over the years, but when his building was first occupied, he operated his store (S. M. Tinsley & Co.) on the first floor in the northeast corner of the building.

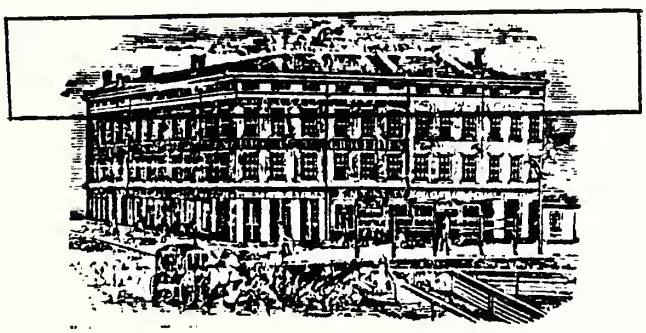
Considered one of Springfield's finest structures, Tinsley's new brick building was constructed in the Greek Revival style popular in the 1840s. A more elegant example of that same style can be seen in the Old State Capital, which was erected at about the same time. The following features exhibited in the building are typical of Greek Revival store buildings, which were appearing at this time around the more prosperous public squares across the nation:

1) The most important feature is the general symmetry of the building. Following classical notions of beauty, it's overall form and individual elements are simple, balanced, geometrical shapes:

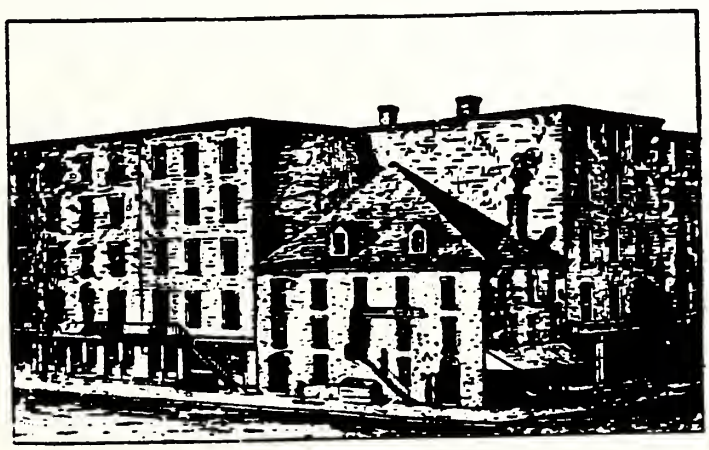


Note that this same symmetrical quality appears in the Old State Capital.

2) A low-pitched or flat roof.

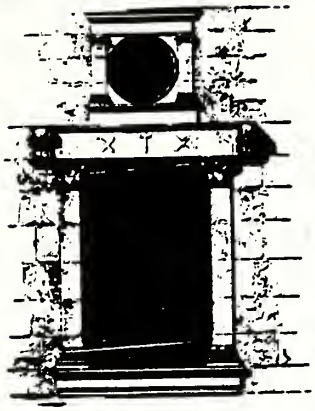


This represented a change from older east-coast store buildings, which possessed steep roofs. Here is an illustration of both new and old types as they appeared in one New York city block:



3) Rectangular windows with stone or wooden sills and lintels. The style of these windows was adapted from such classical models as the following:

right: **early Greco-Roman window, Palace at Shakka (c. 3rd cent. A.D.)**



4) Pilaster strips located at regular intervals along the building's street level.

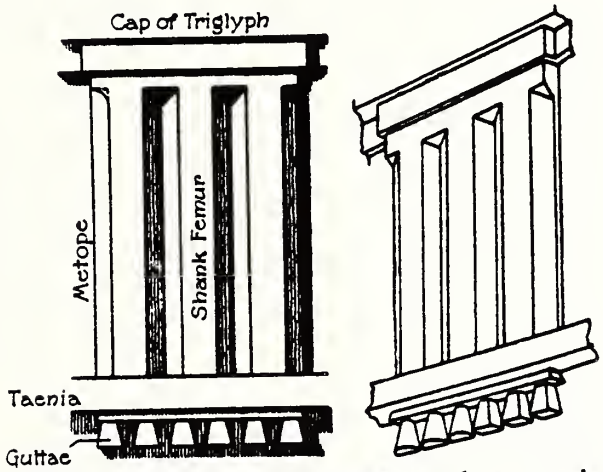


pilaster strip, lesene Same as **pilaster mass** but usually applied to slender piers of slight projection; in medieval architecture and derivatives, often joining an arched corbel table.

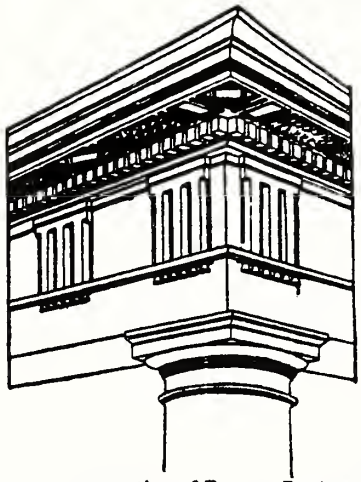
These vertical, rectangular projections from the wall were meant to be reminiscent of the columns that are the single most distinctive feature of a classical building. Note for example, the Old State Capitol, which possesses both columned entrances and pilaster strips. The Tinsley Building's pilaster strip even possess simple capitals suggestive of the Doric order or style of column.

East coast examples of Greek Revival store buildings possess granite piers rather than brick pilaster strips, but the intent is still to evoke images of classical columns.

5) Like most Greek Revival store buildings, the Tinsley Building has a series of small attic windows located at regular intervals. These windows represent, once again, a classical allusion. They are meant to suggest the entablature that sits atop the capital of a classical column. Here, for example, is a classical entablature:



triglyph; *left*: front elevation; *right*: as seen from an angle



perspective of Roman Doric entablature

Note how the spacing of the triglyphs (blocks of three vertical bands) in the above example creates an appearance similar to the spacing of the Tinsley Building attic windows":

STATION #2: Post Office

Themes:

--This room was rented in Lincoln's day by the federal government for use as a post office.

--Greek Revival store buildings like this usually possessed tall street-level doors such as the simulated doors on this room's east wall.

--Abraham Lincoln, who walked to work from his home at Eighth and Jackson, reached his third-floor office by way of an outside door and staircase located where the present stairway is, immediately north of the post office. He evidently kept rather irregular and informal office hours.

Material Support

--Post office room

--Post office door

--Stairway

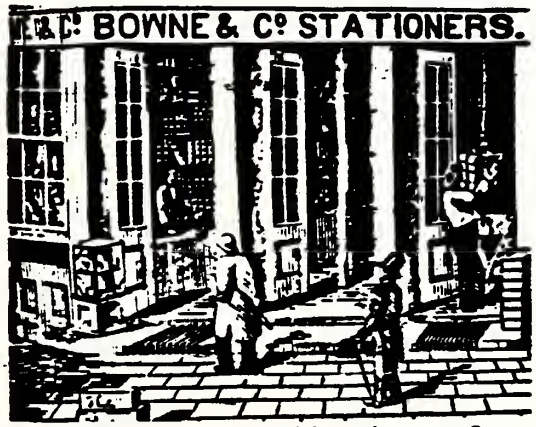
--Outside stairway doors

--Simulated tall exterior doors

--South wall separating building from alley

Begin by pointing out that the south door leading from the orientation center to the slide show theater was, in Lincoln's day, a wall. On the other side of the wall was an alley.

In the 1840s, this room served as the Springfield post office. It was not, however, built for that purpose but was designed like the rest of the building for use as a store, and the simulated tall wooden doors on this room's street side reflect that original purpose.[1] Such tall doors were typical of Greek Revival store buildings. Merchants kept them open on good days to light the store and entice passers-by with goods displayed in barrels and boxes right on the sidewalks.[2] Here is how such doors might have looked from the outside in S. M. Tinsley's day:

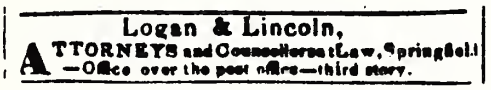


Source: Ellen Fletcher Rosebrock, Counting-house Days in South Street (1975), p. 33.

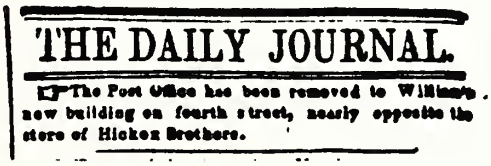
The Tinsley Building originally possessed such doors on its east side and northeast corner. The original doors were removed with the passing years as the building changed hands. The simulated doors now on display were installed as part of the late-1960s restoration.[3]

Despite the building's design, however, Tinsley rented the room to the federal government for use as a post office. In fact, he wound up renting most of the building to the federal government and various local lawyers. The entire second floor was taken over by the federal government for a courtroom and office, while local lawyers occupied offices on the third floor. Tinsley's store, in the 1840s, occupied the first floor on the building's northeast corner. Why he chose to rent most of the building is unclear. Perhaps rents proved a more reliable source of income than the risky and volatile business of store keeping.

Little is known of this post office, which evidently operated throughout most of the 1840s. It seems likely that the Tinsley Building post office opened in 1840 or 1841, and it was certainly in operation by August 31, 1943, when the following "card" appeared in the Illinois State Journal:


Logan & Lincoln,
ATTORNEYS and Counsellors at Law, Springfield
—Office over the post office—third story.

The post office remained in operation at this location until 1849, when the Illinois State Journal announced its relocation on Oct. 17th of that year:


THE DAILY JOURNAL.
☞The Post Office has been removed to Williams' new building on fourth street, nearly opposite the store of Hickox Brothers.

The Tinsley Building post office reflects the stage of development that Springfield had reached by the 1840s. By then the town had advanced well beyond the frontier stage in which post offices were operated out of stores with merchants doubling as postmasters. After Springfield's post office was

established in 1823, for example, the town's first postmaster, merchant Elijah Iles, operated it from his store for several years. By the time Tinsley's building was erected in the early 1840s, however, Springfield's population (ca. 2,600) was large enough and the city was important enough as the Illinois capital to warrant a post office devoted solely to postal service, so Iles' successors occupied various rented rooms around Springfield until the post office moved into the town's first federal building, which was located at, at Sixth and Monroe, in 1869.[4] Three postmasters appear to have served in the Tinsley Building post office--J.W. Keyes (1840-41), G.W. Spottswood (1841-44), and Jonathan R. Diller (1844-49).[5]

Lincoln, who walked to work from his home at Eighth and Jackson streets after he and Mrs. Lincoln purchased their house in January 1844, reached his third-story office by way of a door and flight of stairs located where the current stairway is, immediately north of the post office. Here, for example, is how Lincoln advertised his office location in 1849:

> A. LINCOLN, Attorney at law, office in the third story, of the Tinsley Building—go up stairs next door north of the Post Office.

Source: Illinois State Journal, Aug. 23, 1849.

Note, however, that while visitors reach the Tinsley Building's upper floors much as Lincoln did, the current stairway is not the original, which was much too narrow and steep for modern fire and building codes. Moreover, there was originally a wall separating the stairway entrance from the post office.[6]

Lincoln evidently kept rather irregular, informal office hours. "Mr. Lincoln's habit was to get down to his office about 9 a.m., unless he was out on the circuit," remembered William Herndon many years after his partner's death.[7] Our only evidence regarding Lincoln's daily office schedule comes from the recollections of Herndon and others recorded long after the fact, and not only do those witnesses differ with each other, they often contradict themselves. Herndon, who recalled in the above instance that Lincoln's habit was to arrive at 9 a.m., remembered on another occasion that "Mr. Lincoln would come down to the office about 8 a.m." and at still another time that "many a time I have known Lincoln to come down to our office, say at 7 a.m., sometimes bringing with him his then young son Bob."[8] Gibson Harris, who clerked for Lincoln and Herndon from 1845 to 1847, later wrote that "when the courts were not in session the senior partner [Lincoln] spent more time out of

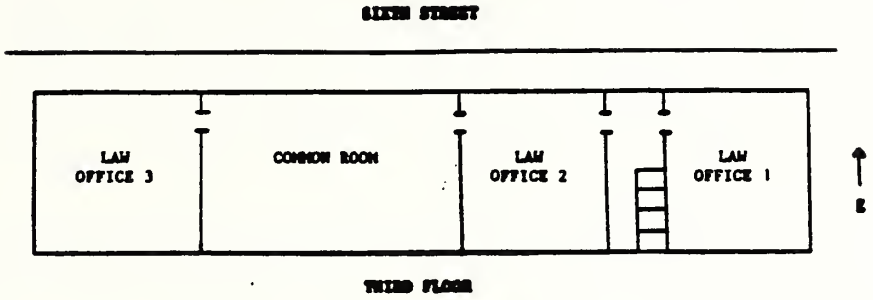
the office than in it. A likely place to find him was some street-corner, there discussing with others at their ease the topics of the day."[9] And finally, we have the testimony of another clerk, John Littlefield, who joined Lincoln and Herndon in 1859, long after the firm had moved from the Tinsley Building, describing Lincoln's work habits thusly:

> Mr. Lincoln used to come to the office at odd times, having no particular hours. He did a good deal of work at home. . . . Whenever he had an important case on hand he would withdraw himself more or less from society, and would devote himself with great care to the case. At such times he would display wonderful power of concentration. He used to go about in a sort of brown study. Sometimes he would take his young son Tad and, throwing him over his shoulder, would go out on the prairie. The boy being on his shoulder would seemingly give him the necessary ballast so that he could, in nautical parlance, go to windward well. By the time he returned to the house he would have a clear conception of the case and have the knotty points unraveled.[10]

When considering Lincoln's office schedule, it is also important to note that he spent many months (perhaps 3-6) away from Springfield on the circuit each year. In the spring and again autumn, he travelled from county to county as the Eighth Judicial Circuit held its semi-annual terms. Lincoln's contemporaries remembered him as the only lawyer who covered the entire circuit, a practice that his partner, William Herndon, traced to an unhappy home life, but modern biographers point instead to Lincoln's love of circuit life and its rewards, both financial and political.

STATION #3: Law Office 1

Lincoln & Herndon (1847 - ca. 1852)



Themes

1) Lincoln practiced law for more than 23 years in Springfield.

2)Lincoln had three law partners.

3) This room is one of two Lincoln law offices in the Tinsley Building.

4) Lincoln and his partners rented office space at several different locations near or on the public square during his years in Springfield.

Material Support

--Relationship between this office and Lincoln law office at south end of this floor.

--Relationship between this office and other Lincoln law offices in Springfield.

Our goal at this station is to give visitors some basic information about Lincoln's legal practice in Springfield, and your presentation may include any or all of the following facts:

1) Lincoln practiced law for more than 23 years (April 15, 1837 - Feb. 11, 1861) in Springfield. Six weeks before Lincoln moved from New Salem to Springfield he was admitted to the bar. The date of his admission was March 1, 1837, when his name was entered on the roll of attorneys in

the office of the Illinois Supreme Court. There was state bar exam in the 1830s; nor was there a state bar association. To become a lawyer in Illinois, it was necessary to pass through the following steps. The dates in parentheses indicate when Lincoln passed through each step:

--Obtain a certificate from a County Court testifying to the candidate's moral character (March 234, 1836).

--Obtain a license from the justices of the Illinois Supreme Court. This required that condidates pass an oral examination conducted by the justices, but there was no written exam. Such oral exams were often informal and perfunctory. (Sept. 9, 1836) The justice later designated attorneys to conduct these exams, and Lincoln was one of those attorneys.

--Be enrolled by the clerk of the Illinois Supreme Court on a list of lawyers licensed to practice in the state. This required that the candidate appear and take an "oath of office" and an oath to defend the U. S. Constitution. Afterwards the clerk endorsed the candidate's license and enrolled his name. (March 1, 1837)

Lincoln moved to Springfield on April 15, 1837, taking up residence with Joshua Speed in a room above Speed's store on the west side of the public square where the Myer's Building now stands. He practiced law in Springfield until leaving the city as president-elect on Feb. 11, 1861. William Herndon, Lincoln's last partner, has left the following poignant recollection of Lincoln's last visit to their law office on his last day in Springfield. Note that this was not the Tinsley Building office but the last Lincoln-Herndon office on the west side of the square:

> In the afternoon of [Lincoln's] last day in Springfield he came down to our office. . . . We ran over the books and arranged for the completion of all unsettled and unfinished matters. . . . After these things were all disposed of he crossed to the opposite side of the room and threw himself down on the old office sofa, which, after many years of service, had been moved against the wall for support. He lay for some momemts, his face towards the ceiling, without either of us speaking. Presently he inquired, 'Billy',--he always called me by that name, --'how long have we been together? ' 'Over sixteen years,' I answered. 'We've never had a cross word during all that time, have we?' to which I returned a vehement, 'No, indeed we have not.' He then recalled some incidents of his early practice and took great pleasure in delineating the ludicrous features of many a lawsuit on the circuit. . . . I never saw him in a more cheerful mood. He gathered a bundle of books and papers he wished to take with him and started to go; but before leaving he made the strange request that the sign-board which swung on its rusty hinges at the

> foot of the stairway should remain. 'Let it hang there undisturbed,' he said, with a significant lowering of his voice. 'Give our clients to understand that the election of a President makes no change in the firm of Lincoln and Herndon. If I live I'm coming back some time, and then we'll go right on practising law as if nothing had ever happened. He lingered for a moment as if to take a last look at the hallway. I accompanied him downstairs. . . .Grasping my hand warmly and with a fervant 'Goodby,' he disappeared down the street, and never came back to the office again.

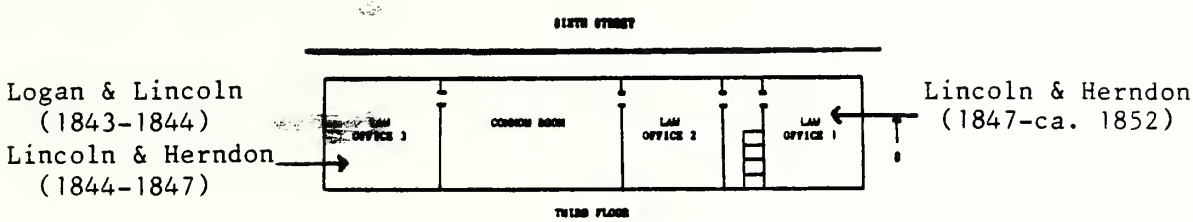
2) Lincoln had three law partners. When he first came to Springfield in the Spring of 1837, Lincoln entered practice with John Todd Stuart. Leaving Stuart in 1841, he formed a partnership with Stephen Trigg Logan with whom he practiced until Logan went into partnership with his son in 1844. That year Lincoln entered practice with William Herndon. Their partnership was never formally dissolved. Here are Lincoln's three partners with the dates of their partnerships:

John Todd Stuart (1837-1841)
Stephen Trigg Logan (1841-1844)
William Herndon (1844-1865)

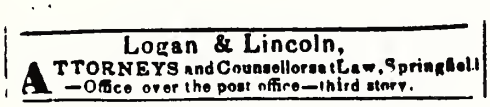
For more information on Lincoln's partners see the short biographies accompanying this station summry.

3) This room is one of two Lincoln law offices in the Tinsley Building. Exact dates of occupancy and precise locations of Lincoln's law offices in the Tinsley Building are difficult to determine, and the following conclusions are reasonable assumptions based largely upon the lawyer's "cards" (advertisements) that appeared in local papers. Such newspaper "cards" make it possible to place Lincoln's office in this building, butthe precise locations of his offices within the building are far more problematic. Here are the names of the Lincoln partnerships that

occupied offices in the Tinsley Building, and the dates that they most likely occupied each of the rooms:



The firm of Logan and Lincoln advertised their office location as "opposite Hoffman's Row" at 108-110 North Fifth Street until June 15, 1843, when their last "card" from that location appeared in the local paper. On Aug. 31, 1843, Logan and Lincoln advertised for the first time their office location as the Tinsley Building:


Logan & Lincoln,
ATTORNEYS and Counsellors at Law, Springfield
—Office over the post office—third story.

Based upon this and other evidence, it seems reasonable to assume that Logan and Lincoln moved some time in the summer of 1843 from their location on North Fifth Street to the large third-floor corner office on the Tinsley Building's north end, facing the square.

Stephen Logan dissolved his partnership with Lincoln some time in the autumn of 1844 to enter practice with his son David. The firm of Logan and Logan also advertised from the Tinsley Building, and it even seems likely that they occupied this office, where they practiced until 1847.

His partnership with Logan dissolved, Lincoln entered practice with William Herndon, a young man who had been clerking for Logan and Lincoln. Herndon was Lincoln's third and final law partner, and their partanership, according to Herndon, was dissolved only by Lincoln's assassination. This was the first time that Lincoln was the senior partner, and his name now came first--Lincoln & Herndon.

The evidence suggests that Lincoln and Herndon stayed in the large north office that had been occupied by Logan and Lincoln until Lincoln left in 1847 for a two-year term in Congress. With his partner in Washington, Herndon did not need such a large office, so he moved into this south office, which had been previously occupied by Logan and Logan.

The last date for which there is definite evidence of Lincoln and Herndon occupying a Tinsley Building office is August 29, 1849, when the following "card" appeared in the Illinois State Journal:

> A. LINCOLN, Attorney at law, office in the third story, of the Tinsley Building—go up stairs next door north of the Post Office.

The next "card" that we still possess that refers to either Lincoln or Herndon appeared on Oct. 1, 1852, and it shows that their office had moved:

> Wm. H. Herndon's law office is now over McGraw & Buchanan's store, where he will be found at all times. Wm. I. Ferguson has left his business in Mr. Herndon's hands. Those who had business with Mr. Ferguson, may call on Wm. Herndon and see to their business, &c. &c.

Source: Illinois State Register, Oct 1, 1852.

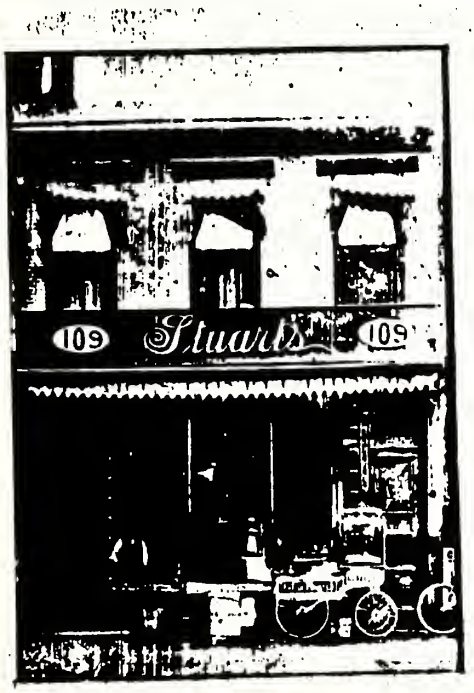
Several months of the local papers are missing for the period 1849-52, so it is quite possible that Lincoln and Herndon moved from the Tinsley Building prior to 1852 and occupied an as yet undiscovered office. It is also possible that they remained in the Tinsley Building until 1852.

4) Lincoln and his partners rented office space at several different locations near or on the public square during his years in Springfield. Local tradition, the testimony of Lincoln's associates, the newspaper "cards," and a scattering of other evidence have made it possible to identify several Lincoln Law offices locations near or on the public square.

The first Lincoln law office, which he occupied from 1837 to 1841 with John Todd Stuart, was at what is now 109 North Fifth Street in a row of six newly built, two-story brick buildings known as "Hoffman's Row." The biggest investor in the buildings was Herman L. Hoffman. Here is how one historian describes Hoffman's Row:

> Hoffman's Row consisted of six stores, each forty-four feet deep, and, roughly speaking, twenty feet wide. As to appearances, we know little more than that they were two stories in height and built of brick. By reason of both these facts, however, they were the outstanding business buildings in the Springfield of 1837, where most of the structures were one story high and built of wood. . . . It is probable that construction was commenced about May, 1836, and completed in the late autumn of the same year.

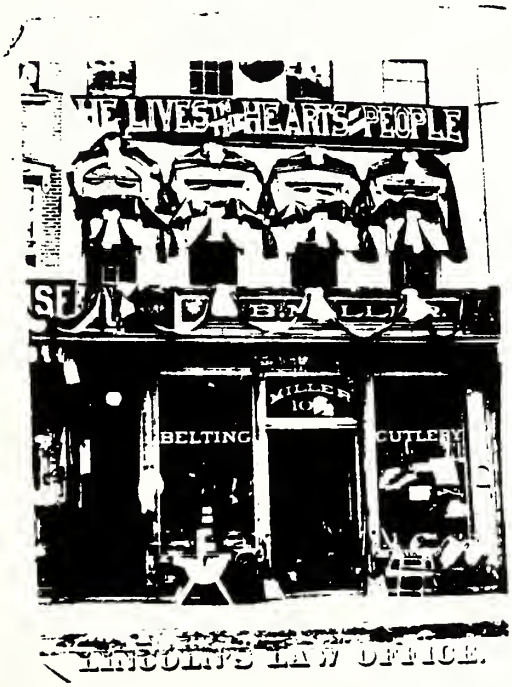
There is no pre-civil war picture of Hoffman's Row, but the following photo shows the buildings as they appeared in the late-19th century:



The second Lincoln law office was at what is now 108-110 North Fifth Street, across the street from Hoffman's Row. Lincoln evidently moved to this location when he went into partnership with Stephen Logan. The newspaper notice announcing the Logan and Lincoln partnership described their office as "opposite Hoffman's Row." Little is known of that building, but one historian has guessed that it was probably "frame and one story in height." The last record of Logan and Lincoln at this location was a newspaper "card" dated June 15, 1843. On August 31, 1843, Logan and Lincoln were advertising from an office in the Tinsley Building.

Tinsley's new building was the third Springfield structure from which Lincoln practiced law. The evidence suggests that he occupied two different offices on the buildings third floor. Lincoln and Herndon were still advertising from the Tinsley Building in 1849, but after that, there is a gap in the record until Oct. 1, 1852, when a newspaper notice showed them practicing "over McGraw & Buchanan's store." Thus the date that Lincoln moved from the Tinsley Building is uncertain. Nor do we know the location of "McGraw & Buchanan's store."

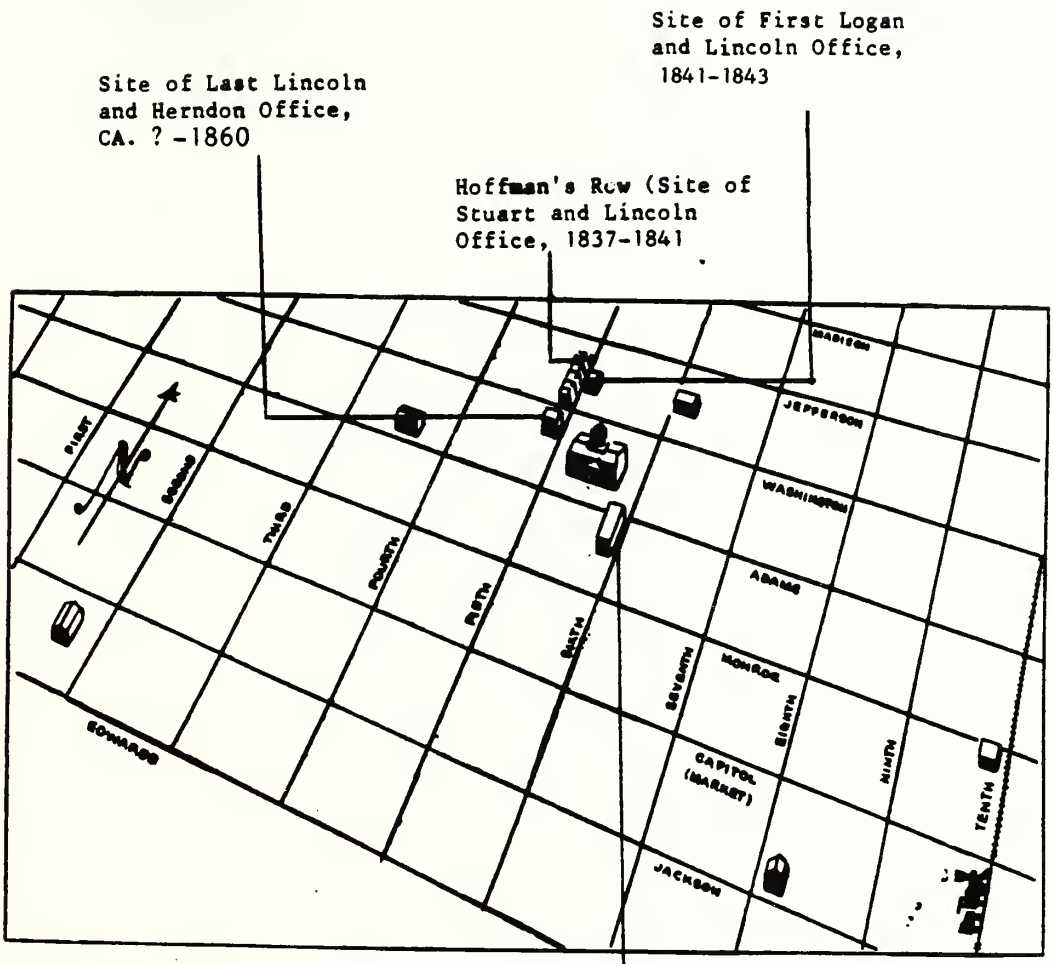
The last Lincoln law office, which he and Herndon occupied in 1860, is well-documented, but little is known of offices that the partners occupied between the Tinsley Building and their last location. The last Lincoln-Herndon law office was located on the west side of the square where the Myers' Building now stands. Again, there is no print or drawing showing the buildings exterior at the time of Lincoln's occupancy, but there are several late-19th-century photographs such as this:



LINCOLN'S LAW OFFICE.

Here is a map showing the known locations of Lincoln law offices in Springfield:

SITES OF LINCOLN LAW OFFICES IN SPRINGFIELD





John Todd Stuart

Stuart, John Todd (1807-1885) Abraham Lincoln's first law partner and political mentor. Like Lincoln, John Todd Stuart was a Kentuckian. The son of a Presbyterian minister, he attended Centre College in Danville, Kentucky. He was admitted to the bar in 1827, and a year later he became the sixth lawyer in Springfield, Illinois, a county seat of about 300 residents.

While serving as a major in the Black Hawk War in 1832, Stuart met Captain Abraham Lincoln. When he returned from the war, he campaigned successfully to be one of four Representatives from Sangamon County to the Illinois General Assembly. Lincoln also campaigned for one of the seats but lost. In 1834 both ran successfully. At the legislature in Vandalia, Lincoln was Stuart's protégé; he drafted legislation which Stuart introduced and frequently, but by no means always, voted on the same side. Stuart soon became a Whig leader in the state and was nicknamed "Jerry Sly" for his considerable abilities at legislative management and political intrigue.

While they ran for the legislature together in 1834, Stuart encouraged Lincoln, who had earlier thought his education too meager to consider it, to study law. Stuart lent Lincoln the necessary books. Three years later, his partner, Henry E. Dummer, left to establish his own practice in Beardstown, and Lincoln became Stuart's partner in Springfield. Their office was located on the second floor of Hoffman's Row, a new building which contained several rooms for stores and offices. Stuart's interests ran heavily to politics in those years, and Lincoln carried a substantial burden of the practice. Stuart had run unsuccessfully for the United States House of Representatives in 1836, and in 1838 he ran again in a bitter but successful campaign against Stephen A. Douglas. The district contained 34 counties and half the territory of Illinois; canvassing kept the senior partner away from the office much of the time. When Stuart went to Congress in 1839, Lincoln wrote on a fresh page in the firm's account book, "Commencement of Lincoln's administration." Lincoln not only maintained the practice but wrote his partner frequently to keep him abreast of political developments at home. When Stuart returned in 1841, Lincoln left the firm to become the partner of Stephen T. Logan.

Stuart retained his seat in Congress in the 1841 election. When he returned from Washington in 1843, he formed a partnership with Benjamin S. Edwards which would last until his death.

Stuart served one term as a state senator from 1848 to 1852, but soon thereafter his political fortunes changed, and he and Lincoln parted ways politically. Lincoln became a Republican in 1856, but Stuart's "slight pro-slavery proclivities," as Lincoln termed them, prevented his joining the Republicans. In 1860 Stuart did not support Lincoln for President and he himself

ran for governor on the Constitutional Union ticket and lost.

In 1862 Stuart announced that he would run for Congress in Illinois's Eighth Congressional District, saying he had been a member of no party since the demise of the Whigs. The Democrats endorsed him, and he ran against another Lincoln associate, Leonard Swett. Stuart was careful in the campaign to state his "unbounding confidence" in Lincoln's "personal integrity" while urging Lincoln to use only "the ample powers conferred upon him by the constitution, and repulse any resort to revolutionary means" to save the Union. The statement certainly implied criticism of the recently announced preliminary Emancipation Proclamation, which Swett endorsed. Stuart, as David Davis noted, "tried to dodge, and did not come out either for or against the Proclamation." He "talks but little but will spend a great deal of money," Davis added. Stuart won, 12,808 to 11,443, in a victory characterized by the New York *Times* as a "vote of want of confidence" in the President.

Though Stuart was now a member of the opposition to the administration, he was Lincoln's old law partner and Mrs. Lincoln's cousin, and he therefore enjoyed good social relations with the White House. In 1863 the President helped a relative of Stuart's reclaim her plantation in Arkansas.

Stuart's political views belonged to a bygone era. In 1864 he urged Millard Fillmore, the old Whig President, to seek the Democratic nomination for the Presidency. Fillmore opposed Lincoln but admitted to Stuart that he was "no candidate for popular favor." Stuart ran for Congress again that year and lost to Shelby M. Cullom. He returned to Springfield, his law practice, and his considerable involvement in civic and economic enterprises. After Lincoln's death, he became a director of the National Lincoln Monument Association and oversaw the erection of the Lincoln tomb. He died suddenly in 1885.

SOURCES: There is no adequate biography of Stuart. Paul M. Angle's *One Hundred Years of Law: An Account of the Law Office which John T. Stuart Founded in Springfield, Illinois, a Century Ago* (Springfield, Ill.: Brown, Hay and Stephens, 1928) contains a laudatory sketch that is skimpy on Stuart's politics. Harry E. Pratt's article on "The Repudiation of Lincoln's War Policy—Stuart-Swett Congressional Campaign," *Journal of the Illinois State Historical Society*, XXIV (April 1931), 129–140, is a solid account of Stuart's most important campaign. The David Davis quotations are from letters to William M. Orme, October 15 and 20, 1862, copies of which are in the Chicago Historical Society. On Stuart's views in 1864 see Harry E. Pratt, "Lincolniana Notes," *Journal of the Illinois State Historical Society*, XLVI (Autumn 1953), 302.



Stephen Trigg Logan. (Courtesy of the Illinois State Historical Library)

Logan, Stephen Trigg (1800–1880) Abraham Lincoln's second law partner. Stephen T. Logan was born in Kentucky and first practiced law there. Impoverished by lending money to friends who failed in business, he left Kentucky in 1832 to recoup his fortunes in Springfield, Illinois. He resumed practice the next year and was elected by the Illinois legislature as judge of the First Judicial Circuit in 1835. He resigned in 1837 because the salary was too low.

Logan met Lincoln in 1832, when Lincoln was running for the legislature. Over 40 years later he recalled that Lincoln "was a very tall and gawky and rough looking fellow then—his pantaloons didn't meet his shoes by six inches," but he "made a very sensible speech." Both men were Whigs. Lincoln "was as stiff as a man could be in his Whig doctrines," Logan remembered.

Lincoln became Logan's partner in 1841, in part because Logan's previous partner, Edward D. Baker, was reckless in money matters. According to Logan, Lincoln's "knowledge of law was very small" at the time. Lincoln's previous partner, John Todd Stuart, did not study the law much, and Lincoln, Logan claimed, only began to study law and develop "considerable ambition in the law" under his tutelage. Like Baker, Lincoln was important "in getting the good will of juries." He was never "much of a reader." The partnership was successful but was amicably dissolved in 1844, when Logan wished to bring his son David into the firm.

Lincoln and Logan were close political associates in the 1840s. Logan was elected to the Illinois legislature in 1842, 1844, and 1846. In 1847 he was a member of the state constitutional convention. A year later he lost to Thomas L. Harris in a race for Lincoln's seat in Congress—a loss that is often incorrectly blamed on the alleged unpopularity of Lincoln's opposition to the Mexican War, a record Logan had to defend. Logan's opportunity to run for the seat stemmed from Lincoln's decision not to run for reelection in order "to keep peace among our friends" and share the opportunities for office in the only Whig district in the state. Lincoln's decision had nothing to do with his record on the war. Logan was, as Thomas Drummond recalled, "by nature and temperament unfitted to become a successful politician." His voice was high-pitched and unsuitable for stump speaking. Lincoln refused to speculate at length on the cause of Logan's defeat and said simply that "a good many Whigs, without good cause, . . . were unwilling to go for Logan." Besides, Harris was a war hero, and many Whig voters had served with him in Mexico. Lincoln unsuccessfully urged Logan's appointment as a federal judge after Zachary Taylor's election.

Logan ran successfully for the state legislature again in 1854; but when he lost an election for judge on the state supreme court a year later, Lincoln commented that he was "worse beaten than any other man ever was since elections were invented." Logan served as a delegate to the Republican national nominating convention in 1860. He was a delegate to the Washington Peace Conference in February 1861, and President Lincoln appointed him to a commission to investigate claims against the government in Cairo, Illinois, in 1862.

By the time of the Civil War, Logan had amassed wealth enough to retire from politics and from active legal practice. The precise nature of his political opinions late in his life is unknown, but some considered him anything but an ardent supporter of the war effort. William H. Herndon thought that, like other "monied men," he was "old & timid—disturbed and terrified." Logan wrote President Lincoln only a few formal lines to recommend judges' appointments during the war. He had been one of the few citizens of Springfield to vote against the article in the state constitution of 1848 which excluded Negroes from Illinois, but the *Illinois State Journal* noted that in late life, "Like many others, he was puzzled by the question of Reconstruction, . . . and for a time was claimed to be in harmony with the Democratic party, but of late years has been pronounced and unswerving in his Republicanism."

Herndon pictured Logan as a "cold, avaricious, . . . mean" man, and even friends admitted that he "was not a man who 'wore his heart upon his sleeve.' " Like Lincoln, he was not a member of a church, though many described him as a good Christian.

SOURCES: The only biographical material of note is in *Memorials of the Life and Character of Stephen T. Logan* (Springfield, Ill.: H. W. Rokker, 1882). Logan's reminiscences of Lincoln, which may well exaggerate his own role in making a good lawyer of Lincoln, were recorded by Herndon in 1875 and are available in the *Lincoln Centennial Association Bulletin*. Number 12 (Sept. 1, 1928), pp. 1–3, 5. Herndon's letter to John G. Nicolay mentioning Logan's confused political opinions during the Civil War (August 1, 1861) is in the Abraham Lincoln Papers, Library of Congress.

Source: Mark E. Neely, Jr., The Abraham Lincoln Encyclopedia (1982), pp. 194-195.

Herndon, William Henry (1818–1891) Lincoln's law partner and biographer. Herndon was born in Kentucky but went to Illinois with his family in 1820; he settled in Springfield in 1823. His father, a successful merchant, sent him to Illinois College in Jacksonville. The year Herndon spent there (1836–1837), though in the preparatory rather than the collegiate department, gave him a taste for books and learning, apparently made him a Whig in politics (unlike his father, who was an active Democratic politician), and exposed him to strong antislavery opinions.



William Henry Herndon. (Courtesy of the Lloyd Ostendorf Collection)

Herndon became a clerk in Joshua Speed's store in Springfield in 1837 and there gained close acquaintance with Lincoln. Both slept above Speed's store. Herndon began to study law in 1841 and became Lincoln's partner the year Herndon was admitted to the bar (1844). Why Lincoln chose him is a mystery to this day; Herndon himself, when asked for Lincoln's reasons, said, "I don't know and no one else does." Herndon managed the office and did much of the research work of looking up precedents. He did not travel the Eighth Judicial Circuit, though he came to handle most of the work in Menard County. It was a true partnership, however, for both men argued cases in court, and they split their fees equally.

Herndon thought of himself as a Southerner, but he "always turned *New-Englandwards*" for his ideas. He accumulated one of the largest private libraries in Springfield, and he cultivated epistolary friendships with Eastern intellectuals, especially Theodore Parker, to whom he wrote numerous letters. His political ideas developed a New England flavor. He became a shrill advocate of temperance, was president of the Springfield Temple of Honor (a prohibition group) in 1855, and as mayor of Springfield in the same year was noted primarily for establishing prohibition in the town. He did not run for reelection.

Though Herndon claimed to have been an abolitionist from an early age, there is no contemporary evidence to support the claim. He did not goad Lincoln into his famous antislavery career in the mid-1850s. His claim to have forged Lincoln's name without his knowledge to the call for a Republican Convention in May 1856 (the beginning of Illinois's Republican party) is doubtful. Lincoln had been the only participant who was not a newspaper editor at the convention the preceding February which established a committee to call the May

convention. The call for that convention was surely no surprise. In 1856 Herndon was a Republican presidential elector and gave numerous speeches for the Frémont ticket. In 1857 Illinois's first Republican Governor, William H. Bissell, rewarded Herndon for his efforts by appointing him a state bank commissioner, a lucrative ($1000 per year) post he held through 1865.

Herndon's Republicanism was of a violently denunciatory and radical stripe. He told Parker in 1857 that "the Northern institutions and the Southern are founded on ideas exactly opposite and antagonistic, and . . . the logic thereof impels the people in opposite directions." That necessitated one of three things: "(1) The South may conquer the North; (2) The North may conquer the South; (3) The two may separate without a fight." In 1858 he thought that "the only way to right ourselves is through bloody Revolution." Those ideas were far different from his partner's and would grow more so; it is little wonder that he admired the "House Divided" speech, the most radical speech of Lincoln's pre-Presidential career. Despite his Republican radicalism and his interest in fugitive slave cases in Springfield in this period, Herndon's views rarely showed humanitarian sympathy for the black man (whom he almost invariably called "the nigger"). In 1848 he had voted for the article in the Illinois constitution which excluded free blacks from settling in the state. Herndon's real fear was that toleration of Negro slavery could soon lead to white slavery, as he told Parker early in 1858:

> Let me ask you a terrible question: "Is not Wendell Phillips's idea about niggers and the Union the only way to cut the knot? Will not this people be compelled to *cut through the Constitution* to reach the nigger, and break his chains so as to keep the white man free?"

Herndon grew fearful in 1858 that Eastern Republicans would sell Illinois out and support Stephen A. Douglas for the Senate because, even though he was a Democrat, Douglas was locked in a bitter brawl with President James Buchanan and the Southern wing of the party over the Lecompton constitution in Kansas. He was amazed when Senator Douglas began to send him documents. Herndon worked hard for and closely with Lincoln in the famous 1858 campaign against Douglas.

After Lincoln lost, Herndon's importance as a political ally began to wane. As the Republican party grew more conservative to attract votes in the 1860 presidential campaign, Herndon became irrelevant—even embarrassing. He disliked former Democrat Norman B. Judd for refusing to support Lincoln for Senator back in 1855, and 5 years later he leveled accusations against Judd for using party funds for personal business. Judd was an important Republican organizer and a contender for the gubernatorial nomination. He protested to Lincoln, and Lincoln got Herndon's "solemn pledge to say nothing of the sort in the future." No Herndon letter which advocates Lincoln's nomination for President in 1860 exists, and, though Herndon may have been present at the convention that nominated Lincoln, he played no important role there.

His contacts with Lincoln diminished further. The candidate moved into an office in the State House after his nomination. Herndon no longer saw him daily in the law office. In fact, as Henry Clay Whitney said, after 1860 Lincoln "took no advice, and sought no counsel from . . . Herndon." Lincoln did bid his partner an affectionate farewell when he left Springfield, lectured him on his occasional drunkenness, and stated a preference for maintaining the law partnership.

In the secession crisis Herndon sought no compromise with the South. When war came, he was the staunchest of patriots and quickly came to see the salvation of the Union as inextricably linked to the destruction of slavery. He came to that conclusion far sooner than his partner did, and Herndon was privately critical of Lincoln's revocation of General John C. Frémont's emancipation proclamation for Missouri. He thought Lincoln moved too slowly against slavery and handled the South altogether too tenderly: "Does he suppose he can crush—squelch out this huge rebellion by pop guns filled with rose water [?]"

Herndon did not apparently seek an appointment from Lincoln with any ardor. In January 1862 he did go to Washington to seek a job, but not for himself. Herndon's wife had died in 1861; and in seeking the hand of Anna Miles, Herndon agreed with Anna's brother-in-law to ask for an office for him in exchange for his influencing Anna toward the marriage. The President was amused and found a job in an Indian agency; Herndon married Anna in 1862. In 1863 he rejected a temporary job on a commission to St. Louis. He hinted indirectly at desiring an office in 1864; but Lincoln did nothing, and his partner never complained. In truth, Herndon was not exactly Lincoln's partner by that time; as early as 1862 he had entered an informal arrangement with a new partner, Charles S. Zane.

"Lincoln's death was the most important event in Herndon's life," says Herndon's biographer David Donald. Immediately, Herndon became a sought-after interviewee. Quickly he realized that he could use the knowledge of Lincoln which others sought from him (and which he almost always shared generously, even effusively) to write his own book on Lincoln. To that end he began doing research in 1865, particularly on the years of Lincoln's life about which he knew little (before 1837 and after 1860). He sent queries by mail and had local Republican lawyers interview people who remembered Lincoln in southern Indiana. He began to hear tales of the low morality of the Hanks family, especially from Kentuckian John B. Helm.

Dennis Friend Hanks proved to be a loquacious witness. Conflicting statements puzzled Herndon, however, and he resolved the problems as a lawyer rather than a historian might—by seeking to interview the witnesses in person and judge them by looking them in the eye. In the fall of 1865 he traveled to southern Indiana and eastern Illinois. In Petersburg, near the site of New Salem, he heard of Ann Rutledge for the first time. He uncovered Lincoln's courtship of Mary Owens and located and interviewed Mary by mail. He interviewed

Lincoln's stepmother and even his wife, though she never liked Herndon, never had had him to the house for dinner, and had snubbed him on his one trip to Washington. He finished his research by the end of 1866. Though reminiscences, often of events long-distant in time, these interviews are the most important source for Lincoln's early life to this day.

Herndon delivered a series of lectures on Lincoln in Springfield, the first being held on December 12, 1865, and the second on December 26. They were candid but vague. Lincoln "read *less* and thought *more* than any man in America," the bookish Herndon reported. He was not "warm, & all heart"; reason dominated him. He was ambitious. He even had "greed for office." He was not "a technical Christian." Herndon gave his third lecture on January 23, 1866. It continued a principal theme, that Lincoln was not a man of heart. Otherwise, Herndon thought, the casualties of the war for the "*one* idea and one purpose" which seized Lincoln "*as it were* insanely, . . . namely the Union and its preservation"—would have unstrung him.

When J. G. Holland's biography of Lincoln appeared in 1866, its emphasis on Lincoln's being a Christian statesman shocked Herndon and so angered him that he quarreled the rest of his life with the pious writers who stressed Lincoln's religious nature. On November 16, 1866, he delivered his most famous and contentious lecture "Abraham Lincoln. Miss Ann Rutledge. New Salem. Pioneering, and THE Poem." There he first articulated his theory of Lincoln's life: disappointment at the death of the sweetheart of his youth, Ann Rutledge, made Lincoln a melancholy man who led a tragic life guided by the morbid sentiments of his favorite poem, "Oh, why should the spirit of mortal be proud." Robert Todd Lincoln, who had found nothing objectionable in the earlier lectures, despite their definite tendency away from hero worship, now thought that "Mr. Wm. H. Herndon is making an ass of himself." Mrs. Lincoln was mortified at the lecture's implication about the unhappiness of her marriage. By March 4, 1867, she articulated privately the essence of the case argued by most of those who disliked Herndon then and have ever since: "This is the return for all my husband's kindness to this miserable man!" she exclaimed to David Davis. "Out of pity he took him into his office, when he was almost a hopeless inebriate and . . . he was only a drudge, in the place." She thought him "a dirty dog," as did many other Lincoln associates, admirers, and Republicans. The religious were angered even more. The Reverend James Smith, once the Lincolns' minister in Springfield, shuddered at Herndon's making Lincoln's children the "sons of a man who never loved their mother."

Herndon's reputation as a Lincoln authority fell, as did his fortunes generally. He had hated the law for over a decade, and his practice deteriorated steadily—especially after he inherited a farm 6 miles north of Springfield in 1867. A great lover of nature (unlike his former law partner), he began to neglect his practice for farming. An agricultural depression impoverished him. He sold copies of what he called his Lincoln Records, the research notes for his book, to Ward Hill Lamon in 1869 for $2000 in cash and a $2000 note. The book was further away than ever. In 1865 he had told Lincoln he was "a sober man, and will keep so the balance of my days." That resolve faltered, and he took to drinking heavily.

Poverty changed Herndon's political outlook. In 1870 he announced that Lincoln had misled him into believing in protective tariffs; now he was for free trade. In 1866 he had supported Reconstruction and denounced Andrew Johnson's claim to be following Lincoln's policies as a "wilful and premedi[t]ated lie." He had supported Grant for President in 1868, but by 1872 he was a Liberal Republican. He denounced monopolies repeatedly, but his anti-inflationism kept him away from many Western radical groups. He became a Democrat in 1874. In about a year he would abandon his hard-money ideas for greenbacks and inflation. He retained his detestation of orthodox religion and mustered one more Lincoln lecture in 1873, on Lincoln's religion. It was an attack on James Reed's pious defense of Lincoln's Christianity in an article in *Scribner's Monthly* that year. Herndon wrote regularly to religious free thinkers, though he was never an athiest or even an agnostic himself.

In 1881 Herndon quit drinking and tried to pull himself together. He looked over his dormant correspondence and responded to a letter written by Jesse W. Weik. That chance occurrence put him in touch with a young man capable of writing the nearly forgotten Lincoln biography. Their collaboration produced *Herndon's Lincoln: The True Story of a Great Life*, which appeared in 1889. The book disappointed Herndon's financial hopes for it (he repeatedly told Weik that he was in it for "the dimes"), but it immortalized him as a Lincoln biographer.

Herndon's Lincoln is still an important source for Lincoln's life, but it must be used cautiously. Herndon knew very little about Lincoln's Kentucky years, and what the book says on that part of Lincoln's life is nearly worthless. The book stresses Lincoln's "Western-ness" and especially his rise from an early "putrid" environment to greatness. It thus considerably underestimates Thomas Lincoln's character and station in life and overestimates the importance of Lincoln's frontier heritage. Written while Herndon was a Democrat, the book undervalues Lincoln's Republican (and Whig) economic ideas, though Weik was a staunch Republican. The emphasis on Ann Rutledge is out of all proportion to the documentary evidence for the romance and is generally agreed to be Herndon's way of explaining Lincoln's marriage to a woman Herndon could not stomach. Finally, it exaggerates Herndon's importance as an influence in Lincoln's political life. On the other hand, the book tells much about Lincoln's personal habits and tastes during the period from 1837 to 1860 that is unobtainable from any other source.

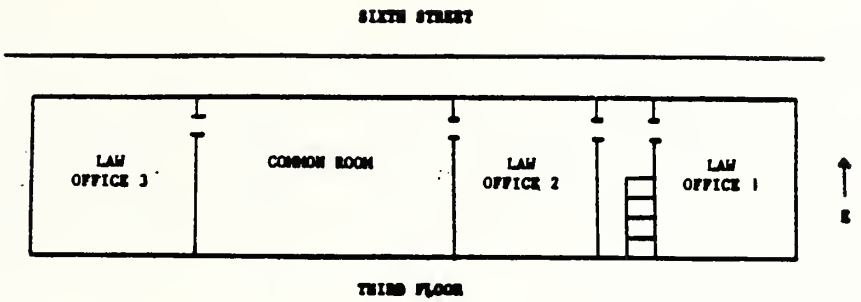
SOURCES: David Donald's superb biography *Lincoln's Herndon* (New York: Alfred A. Knopf, 1948) can be supplemented by reading many of Herndon's eccentric and unforgettable letters

in Joseph Fort Newton's *Lincoln and Herndon* (Cedar Rapids, Iowa: The Torch Press, 1910). Herndon's vote on the Illinois constitution in 1848 is recorded in the Springfield Poll, Sangamon County Poll Books, Sangamon State University Archives, Springfield, Illinois. For the process of writing *Herndon's Lincoln* see WEIK, JESSE WILLIAM.

See also BEVERIDGE, ALBERT JEREMIAH; BIOGRAPHERS; HOLLAND, JOSIAH GILBERT.

Source: Mark E. Neely, Jr., The Abraham Lincoln Encyclopedia (1982) pp, 145-148.

STATION #4: Law Office 2



This office was never occupied by Lincoln. Evidence suggests that the following partnerships may have rented this space:

Edward D. Baker & James Matheny (April 1844-Dec. 1845)
Zimri A. Enos & Vincent Ridgely (1847)

Theme 1

The restored Tinsley Building's unadorned offices with their odd assortments of desks and chairs reflect a characteristic feature of 19th-century American society that has been called the "doctrine of the two spheres," according to which women were increasingly confined to the private world of home and family, while men were active in the public world of politics and business. In other words, the Tinsley Building existed in the 19th-century version of a man's world, a fact reflected in its plain decor and haphazard collection of furnishings.

Theme 2

Although not a Lincoln office, this room was occupied by two of Lincoln's close personal friends and political associates--Edward D. Baker and James Matheny--an illustration of the way in which important personal, political, and professional relationships were available to Lincoln as a result of his location in the Tinsley Building.

Material Support

--Bare floor

--Unadorned walls (white with few pictures)

--Random assortment of furniture

--Simple window coverings

--Cast-iron stoves

This is not a Lincoln law office, but it is probable that two of Lincoln's close personal friends and political associates--Edward D. Baker and James H. Matheny--occupied this office in 1844 and 1845. Lincoln named a son after Baker (1811-1861), who was to die in the Civil War, while Matheny (1818-1890) was Lincoln's best man at his 1842 wedding to Mary Todd.

Furnishings displayed here and in the other rooms are not original to the building but are mostly antiques typical of the period (1840s and 50s) that were acquired in the late 1960s for the restoration. The cast-iron stoves were made for the restoration and are located where the physical evidence suggests that the originals stood. Note that there are two styles of stoves. They are not functional since the stove pipes simply end at the walls. The floor is, for the most part, original.

Pictures of law offices from this period show them to have been furnished with a hodgepodge of desks and chairs, many items evidently brought from home and carelessly assembled in the office. An office's first occupants most likely furnished it and then simply abandoned the furnishings to subsequent renters perhaps taking with them a favorite piece or two.

The odd assortment of furnishings on display in this office, as well as its plain decor, illustrate a characteristic feature of 19th-century American society that has been called the "doctrine of the two spheres, or seperate spheres." Nineteenth-century Americans believed strongly in "seperate spheres" for men and women. The private world of child-rearing, husband-nurturing, and home-making was considered woman's sphere. The public world of business, law, and politics was considered man's sphere. Some version of the separate spheres ideology has always existed in America, but it was probably less prevalent and rigidly applied in the colonial era or under frontier conditions that blurred the public-private distinction and the related distinction between male and female roles. As civilization advanced beyond the frontier, 19th-century Americans began to insist in an ever-more strident and rigid fashion upon separate spheres for men and women. Historians tend to agree that the separate spheres ideology became more important in American culture during the 19th century, while disagreeing over whether that trend was good or bad for women.

The Tinsley Building was clearly located in a man's world--the public male sphere of politics, law, and business. "Mrs. Lincoln never visited the office," recalled one of Lincoln's clerks in what may have been an exaggeration since Herndon remembered that Mary Todd Lincoln "occasionally . . . came down to our office."[1] It does seem clear, however, that women were seldom present on the Tinsley Building's second

or third floors, except as clients or honored guests treated with the kind of exaggerated deference to women bred by the separate spheres ideology. In one especially well-attended trial in the courtroom downstairs, Judge Nathaniel Pope invited an "array of brilliant and beautiful ladies" that included Mary Todd Lincoln to come and sit with him on the judge's platform, prompting one of the attorneys to begin his argument with: "I appear before you to-day under circumstances most novel and peculiar. I am to address the 'Pope' (bowing to the Judge) surrounded by angels (bowing still lower to the ladies). . . ."[2]

Although the separate spheres ideology still shapes our lives, as anyone who cares to tally numbers of female business executives or full-time male homemakers will attest, it shaped the lives of 19th-century Americans in ways unfamiliar to us. Not only was the Tinsley Building located in the male sphere, it was a distinctly 19th-century version of the male sphere.

Suffrage for women was more than seventy years in the future when Lincoln rented space in the Tinsley Building, so only men rented offices and occupied positions of importance in this building. There were no women lawyers, judges, or even jury members in the Tinsley Building. The first woman was not admitted to the bar in Illinois until 1892, and women did not serve on juries in Illinois until 1939.

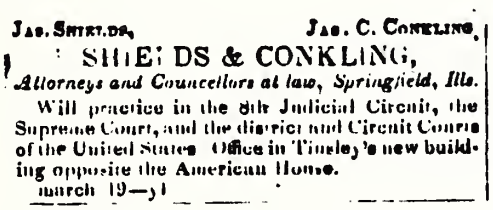
Not only were women unrepresented in professional positions in the Tinsley Building, they were not even part of the clerical work force. There were no female secretaries in these offices. Women did not begin entering the clerical work force in significant numbers until the late-19th century, so most of the considerable secretarial chores in these offices were probably done by the partners themselves or by their clerks, who were young men studying to become lawyers. One example is Gibson Harris, a Lincoln-Herndon clerk who recalled that when the Illinois Supreme Court was in session the "tiresome duty of copying abstracts for each of the nine judges" consumed most of his time. Scattered evidence also suggests that the male clerks took care of whatever minimal housekeeping chores the partners required. "The floor was almost never scrubbed, and the sweeping was done by the clerk," remembered Harris.[3]

Impressionistic evidence also suggests that women were not even present as cleaning women. Female servants, mostly Irish in this period, were employed in homes and sometimes used in public buildings. There is the record of an Irish woman working at the statehouse, but it also seems significant that when one of Lincoln's colleagues was recalling dirty windows in the last Lincoln-Herndon law office, he described them as "apparently innocent of water and the scrub-man since creation's

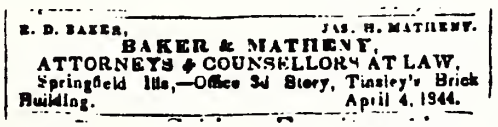
dawn."4 The "scrub-man" may, in other words, have come to mind quite naturally because he was more common that his female counterpart in the public world.

It is difficult to know with certainty what law firm occupied which office at any specific time in the Tinsley Building's history. Partnerships were made and dissolved, and firms changed location far more often than is customary today. Such a high rate of mobility probably reflected the extremely fluid society and volatile economy that existed in the 1840s and 1850s. New buildings appeared all over Springfield as the town grew at a rapid rate. Individuals came seeking opportunity and then left when opportunity beckoned elsewhere. Businesses sprang up, flourished for a time, went broke as a depression swept the region, and then reappeared in better times under new guises.

Although the exact location of individual offices is difficult to determine, it is possible to place particular individuals and partnerships in the Tinsley Building by using the newspaper "cards" employed by attorneys to advertise and announce their comings and goings. Here are several of the partnerships and individual attorneys occupying offices in the Tinsley Building in the 1840s, along with examples of their newspaper "cards":


Jas. Shields, Jas. C. Conkling,
SHIELDS & CONKLING,
Attorneys and Councellors at law, Springfield, Ills.
Will practice in the 8th Judicial Circuit, the Supreme Court, and the district and Circuit Courts of the United States Office in Tinsley's new building opposite the American House.
march 19—y1

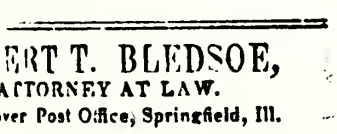
James Shields & James Conkling, March 1841-1843


E. D. Baker, Jas. H. Matheny.
BAKER & MATHENY,
ATTORNEYS & COUNSELLORS AT LAW,
Springfield Ills,—Office 3d Story, Tinsley's Brick Building. April 4, 1844.

Edward D. Baker & James Matheny, April 1844-Dec. 1845


David Logan,
Attorney & Counsellor at Law.
Office 3d story above the Post office.
August 28th 1844. 679—tf

David Logan & Stephen T. Logan, Aug. 1844-Sept. 1847


ALBERT T. BLEDSOE,
ATTORNEY AT LAW.
Office over Post Office, Springfield, Ill.

A.T. Bledsoe, 1847

Many of the above attorneys occupied a place of some prominence in the political life of Springfield and Illinois, and their offices in the Tinsley Building afforded Lincoln almost daily informal contact with them, making it possible for him to cement personal friendships, political alliances, and business partnerships with some rather distinguished individuals. Brief biographies of the various lawyers listed above follow. Note in particular Edward D. Baker and James Matheny. The flamboyant Baker was a political ally and close friend of Lincoln's, who named one of his sons after Baker, and Matheny was a rising young attorney who acted as Lincoln's best man at his wedding in 1842.

Baker, Edward Dickinson (1811–1861) Friend and political associate of Lincoln. Baker was born in London, England, but came to the United States with his parents in 1816. He briefly attended his father's Lancastrian school in Philadelphia, then worked in a cotton mill. In 1825 the Bakers moved to British socialist Robert Owen's utopian community, New Harmony, Indiana. After a few months they moved to Belleville, then on to Carrollton, Illinois, where Edward studied law with A. W. Caverly. He also married a local widow, Mary Ann Lee, and became a member of the Disciples of Christ (Campbellite) Church. In 1832 Baker served in the Black Hawk War. His men elected him second and, later, first lieutenant. In 1835 he moved to Springfield, where he opened a law office.

Two years later Baker was elected to the state legislature on the Whig ticket, and Whig politics brought him into close association with Abraham Lincoln. Baker was reelected in 1838 and served in the Illinois Senate from 1840 to 1844.

Vying for still higher office brought the two friendly Whigs into rivalry. In 1843 both Lincoln and Baker desired to run for the United States House of Representatives from Illinois's eleven-county Seventh Congressional District. Sangamon County Whigs chose Baker over Lincoln. Lincoln, appointed a delegate to the district nominating convention, had to work for his rival's nomination—"a good deal like a fellow who is made groomsman to a man what has cut him out, and is marrying his own dear 'gal.' " Lincoln's quest for the nomination was hurt by a reputation "as the candidate of pride, wealth, and aristocratic family distinction" and by "the strangest combination of church influence." Baker got the Campbellites. Mrs. Lincoln's relatives were Presbyterians and Episcopalians, and each religious group was told that Lincoln belonged to the other. Some even said that he was a deist. "With all these things Baker, of course had nothing to do," Lincoln explained. Baker then failed to gain the district nomination, which went to John J. Hardin. To prevent future factional strife the Whigs endorsed Baker "as a suitable" nominee for the next convention. In 1844 Baker won nomination and election (over Democrat John Calhoun); he would assume his seat in Congress in December 1845. With only a little reluctance Baker agreed to honor the spirit of the Whig agreement and let Lincoln take his turn running for Congress. Hardin tried to contest Lincoln's candidacy, and no love was lost between them thereafter. By contrast Lincoln named a son after Baker just after the succession was settled.



Edward Dickinson Baker. (Library of Congress)

Congressman Baker spoke vehemently for America's "manifest destiny" to acquire Oregon up to 54°40′ latitude. When war broke out with Mexico in 1846, Baker dutifully asked Daniel Webster, on May 18, whether he approved of his intention to enter military service. Webster assured him that it was all right for Whig young men to fight in this Democratic war. Baker organized the Fourth Illinois Volunteers and became their colonel. He was wounded near the Rio Grande putting down a rioting Georgia regiment. He returned to Washington and on December 28, 1846, delivered a speech in uniform urging that Congress cease squabbling and support the volunteers in the field. On December 30 Baker resigned his seat; some members of the House had questioned the constitutionality and propriety of his being an officer and a member of Congress at the same time. He fought at the Battle of Cerro Gordo in April 1847. Visiting Congressman Lincoln in Washington early the next year, Baker assured Lincoln that he agreed with the Whig position on the unjust origin of the war and would say so in public.

Baker returned to Springfield but moved to Galena in the spring of 1848. He campaigned for Zachary Taylor for President and was himself nominated for the United States House of Representatives from the Sixth Congressional District. He won election again in this previously Democratic district. In Congress he supported the Wilmot Proviso, which would have excluded slavery from territory acquired from Mexico, and declared the dissolution of the Union to be simply "impossible." He neglected congressional duties near the end of his term to build a railroad across the Isthmus of Panama. He contracted a fever (probably malaria) there and returned to the United States.

Baker moved to San Francisco in 1852 and made an unsuccessful bid for the United States Senate on the Free Soil ticket three years later. In 1856 he became a Republican. Having incurred the disfavor of the powerful Vigilance Committee in San Francisco, he moved to Sacramento in 1856 but returned to San Francisco the next year. In 1859 he ran for Congress as a Republican and lost.

Late in 1859 Baker moved to Oregon to run for the United States Senate. The Democratic party was extremely powerful in the West; victory depended on wooing antislavery Douglas Democrats, and Baker's official position, unlike Lincoln's, was "the doctrine of non-intervention by Congress, or anybody else, with the people of the territories." He would "permit them to govern themselves as to slavery." In 1860 Baker won election to the Senate with the support of the Douglas Democrats in the legislature. He was the first Republican to be elected to high office on the Pacific Coast.

After war broke out, Baker was authorized to raise "a military command to be known as the California Regiment." In truth, Baker's law partner, Isaac Wistar, recruited the regiment in Philadelphia after bestowing on them numerous drinks of "bad whiskey." Lincoln appointed Baker brigadier general, but he declined the commission in order to retain his Senate seat. With extreme fervor Senator Baker defended Lincoln's actions in mobilizing for war, on July 10, 1861:

> I propose to ratify whatever needs ratification. I propose to render my clear and distinct approval not only of the measure but of the motive which prompted it. I propose to lend the whole power of the country, arms, men, money, and place them in his hands with authority almost unlimited, until the conclusion of this struggle. . . . I want sudden, bold, forward, determined war, and I do not think anybody can conduct war of that kind as well as a dictator.

In June he had urged a forward movement by the Union armies, in part "to cooperate with what I suppose to be a northern movement in Richmond."

Colonel Baker had joked about becoming a "venerable martyr" in June, but he did write his will. At the Battle of Ball's Bluff on October 22, 1861, he was killed in action. His body lay in state in Washington and later at Independence Hall in Philadelphia and City Hall in New York. On December 11 he was buried in San Francisco. On the same day President Lincoln attended services in the Senate.

Lincoln and Baker had risen to prominence together in the Whig party in large part because both were superior stump speakers always much in demand at election time. Prominence led to some political rivalry for the limited honors available to Whigs in Democratic Illinois, but it never led to a personal rivalry like that which developed between Lincoln and Hardin. In personal habits Baker was like Lincoln only in being a rather disorderly lawyer who kept important documents in his hat. Stephen T. Logan had been willing to take Lincoln on as a law partner in 1841, in part because Logan felt that Baker could not be trusted with money. Lincoln, by contrast, was fanatically honest in money matters. Joshua Speed told Lincoln in 1849, when Baker was hoping for a Cabinet post from the Taylor administration, that Senator John J. Crittenden considered Baker lacking in "those patient, plodding, business qualifications so necessary to make a first rate Cabinet officer." Nor did Lincoln share his friend's fondness for champagne and gambling at cards. After their long separation caused by Baker's move to the West Coast, the two quickly got back together again, and Baker rode in Lincoln's carriage in the inaugural parade and introduced him before

his First Inaugural Address. Nevertheless, Baker, though he considered Lincoln still "my very good friend," had been disappointed in the President's distribution of the patronage on the West Coast, and it is possible that Baker's dalliance with Stephen A. Douglas's doctrine of popular sovereignty was not entirely forgotten.

SOURCES: See *Colonel Edward D. Baker: Lincoln's Constant Ally* by Harry C. Blair and Rebecca Tarshis ([Portland]: Oregon Historical Society, 1960). Baker's letter to Lincoln about cooperating with "a northern movement in Richmond" (June 16, 1861) is in the Abraham Lincoln Papers, Library of Congress. His letter about martyrdom (to Mrs. Georgiana S. Peters, June 17, 1861) is in the Louis A. Warren Lincoln Library and Museum, Fort Wayne, Indiana.

Source: Mark E. Neely, Jr., The Abraham Lincoln Encyclopedia (1982), pp. 18-19.

JAMES H. MATHENY

James Harvey Matheny was Lincoln's best man when he married Mary Todd on November 4, 1842. According to William H. Herndon, "One morning in November (4th), Lincoln hastening to the room of his friend James H. Matheny before the latter had risen from bed, informed that he was to be married that night, and requested him to attend as best man." Matheny would recall later that "Lincoln's (marriage) was the first one ever performed (in Springfield) with all the requirements of the Episcopal ceremony." Lincoln's best man also related that when Lincoln repeated the words "with this ring I thee endow with all my goods and chattels, lands and tenements," Judge Thomas C. Browne would exclaim "God Almighty! Lincoln, the statutes fixes all that!"

James H. Matheny, son of Charles R. Matheny was born October 30, 1818 in Saint Clair County, Illinois. During his youth in Springfield he served as clerk in various local offices. That he was an interesting and exuberant young man is attested by the following account in John Carroll Power's book History of the Early Settlers of Sangamon County, Illinois, (1876): "In 1840 ten young men, who had been brought up in the vicinity of Springfield, and had not seen much of the world, or heard a great man speak, learned that Henry Clay was to make a speech at Nashville, Tenn., at a certain time. They fitted up an old prairie stage, put on a cover, provided themselves with tents and provisions, and in August, 1840, Benjamin A. Watson, Henry Oswald, Daniel Woodworth, Edna Moore, Stanislaus P. Lalumere, John H. Craighead, Oliver P. Bowen, Benoni Bennet, Moreau Phillips and James H. Matheny started intheir wagon, drawn by four horses, and driven by Phillips. They camped out all night, did their own cooking, and sung the stirring campaign songs of that year in passing through every town and village. In some places they were applauded, at others jeered, and occasionally they were pelted with stale egges, but they sang through it all, were on time to hear Clay's speech, and were invited on the platform. They sung some of their spirited songs, creating quite a furore, saw a crowd of forty thousand men, ten times as many as they had ever seen before, and returned home as they went, having been out five weeks, and traveled about one thousand miles. They felt well paid for their time, labor and expense."

In 1841 Matheny became a deputy in the circuit clerk's office. On February 11, 1845, he married Maria L. Lee, who was born in 1827 in Carrolton, Illinois. Miss Lee was a step-daughter of the brilliant soldier, orator and statesman, Colonel Edward D. Baker who met his death at Ball's Bluff early in the Civil War. The Mathenys had seven children (1876) all born in Springfield.

Matheny was a member of the Constitutional Convention of 1847 and was elected Circuit Clerk in 1852. At the end of his term he began the practice of law. With the election of Lincoln to the Presidency, Matheny, Dr. Gershom Jayne and a party of Springfield men went to Washington, D.C. to attend the inauguration on March 4, 1861.

During the Civil War (1862) he was commissioned a lieutenant colonel of the 114th Illinois Volunteers (Power's history states that Matheny was lieutenant colonel of the 130th Illinois Infantry) and after the siege of Vicksburg he served as Judge Advocate until July, 1864. When his regiment was consolidated with another he resigned. He returned to the legal profession (In 1860 he was associated with George W. Shutt) and became the senior member of the firm Matheny, McGuire & Matheny, but in 1873 was elected county judge of Sangamon County, a position which he held by repeated re-election until his death on September 7, 1890, having resided in Springfield for sixty-eight years.

Source: Gerald McMurtry, "A convivial Card Game," Lincoln Lore, Nov. 1970.

ZIMRI A. ENOS

Zimri Allen Enos must have felt a close relationship to Abraham Lincoln in that he served two terms of two years each as county surveyor of Sangamon County. Lincoln it will be recalled was a deputy surveyor (under T. M. Neale) of Sangamon County. Years later Enos would make the following statement about his famous contemporary: "Many persons seem to treat doubtingly or lightly the statement that Mr. Lincoln was a Surveyor; but those old Surveys, such as Mr. Ledlie and others who knew him personally and have consulted with him on the subject of surveying, or having had occasion to retrace any of his work, will bear witness that he was a good practical land surveyor."

Enos was the son of Pascal Paoli Enos and he was born on September 29, 1821, in St. Louis, Missouri. He moved with his family to Springfield about 1823. On June 10, 1846 he married Agnes D. Trotter, who was born in New York City on February 15, 1825. They had six children (1876) born in Springfield. After serving as a county surveyor, Enos was elected to three terms as Alderman of Springfield.

Lincoln Day By Day - A Chronology contains numerous references to Enos. The May 6, 1844 entry indicates that he was a delegate from Sangamon County in Tremont, Illinois, where seventh congressional district Whigs convened to nominate E. D. Baker for Congress. On March 2, 1846 Enos was appointed a delegate to the congressional convention and instructed to vote for Lincoln. On June 22, 1855 Enos, then the Sangamon County surveyor, completed a survey of the thrity-six acre tract near northwest Springfield which Lincoln was handling for Mrs. Maria L. Bullock of Lexington, Kentucky, who was Mrs. Lincoln's aunt. On July 27, 1855 Enos at Lincoln's request completed the survey of additional tracts of Mrs. Bullock's land. On March 14, 1857 Lincoln concurred in a legal opinion which was written by Stephen T. Logan at the request of Zimri A. Enos. The opinion concerned the compensation received by the county surveyor.

As a well-known professional surveyor of his day, Enos was called upon to give a paper on "The Early Surveyors and Surveying In Illinois" before the Illinois Society of Engineers meeting in Springfield on January 29, 1891. His paper appeared in pamphlet form (M. 1082) with a facsimile of a plot of survey by Lincoln dated May 10, 1836, and a facsimile of Mr. Lincoln's opinion on "Congressional regulation of surveying" dated January 6, 1859.

Enos died December 8, 1907.

Source: Gerald McMurtry, "A Convivial Card Game," Lincoln Lore, November 1970



Albert Taylor Bledsoe. (Courtesy of the Illinois State Historical Library)

Bledsoe, Albert Taylor (1809–1877) Lincoln critic. Bledsoe was born in Kentucky, graduated from West Point, and became an Episcopal minister in 1835. He resigned from the ministry in 1839 and lived for most of the time until 1848 in Springfield, Illinois. There he practiced law as a partner of Lincoln's friend Edward D. Baker and was active in Whig politics; naturally, he came into contact with local Whig lawyer, Abraham Lincoln. For much of Lincoln's one term in the United States Congress, Bledsoe was the chief editorial writer for the *Illinois State Journal*, Springfield's Whig organ.

Bledsoe left Springfield for professorships of mathematics at the University of Mississippi (1848–1854) and the University of Virginia (1854–1861). While living in Springfield in 1848, he had voted against the Negro exclusion clause in the new state constitution, but he became a proslavery enthusiast and argued that the Bible sanctioned slavery. During the Civil War he served as the Confederacy's Assistant Secretary of War and did research in England which led to the publication in 1866 of *Is Davis a Traitor? or Was Secession a Constitutional Right Previous to the War of 1861?*, a classic defense of the Lost Cause.

In 1867 he founded the *Southern Review* in Baltimore and in it continued his Confederate apologetics. In April 1873 he published a long review of Ward Hill Lamon's *Life of Abraham Lincoln*. There he recalled, from his association with the man, that Lincoln was intelligent and honest in personal dealings, but he argued that Lincoln had a "thirst for distinction" which explained his duplicitous career as a politician whose "idol" was popularity. From Lamon he learned, he said, that Lincoln was a bastard and an infidel. Bledsoe claimed to have known Lincoln from the time when, as a Congressman unpopular for opposing the Mexican War, he "could not have been elected a constable or a justice of the peace." Yet Bledsoe had written editorials for the *Journal* which defended even Senator Thomas Corwin's more strident opposition to that war. He edited the *Southern Review* until his death.

for the Year 1934 ([Springfield]: Illinois State Historical Library, n.d.). Bledsoe's vote on the constitution, March 6, 1848, is recorded in the Sangamon County Poll Books, Springfield Poll, Sangamon State University Archives, Springfield, Illinois.

SOURCES: See Harry E. Pratt, "Albert Taylor Bledsoe: Critic of Lincoln," in the *Illinois State Historical Society Transactions*

Shields, James (1806–1879) Illinois Democratic rival of Lincoln's. Shields was born in Ireland. He settled eventually in Kaskaskia, Illinois, and by 1836 he was a Democratic member of the legislature. As state auditor in 1842, he ordered that depreciated Illinois State Bank notes be accepted by the state's revenue collectors only at actual value. Whigs protested, and a satirical letter of August 27, 1842, written by a widow named "Rebecca" in the *Sangamo Journal*, alluded to the order and described Shields as "a conceity dunce." Shields sought "Rebecca's" identity from editor Simeon Francis and learned it was Abraham Lincoln.

Before Shields could challenge Lincoln, another insulting "Rebecca" letter, this one written by Mary Todd and Julia Jayne, claimed that Rebecca could fight with Shields on an equal footing if he donned petticoats or she, britches. Shields's seconds eventually challenged Lincoln to a duel. Lincoln offered to admit authorship and to explain that the letter was written "wholly for political effect." If Shields were unsatisfied by this offer, Lincoln said, he would accept the challenge. The fight would be with "Cavalry broad swords of the largest size." A plank, 10 feet long, "firmly fixed on edge, on the ground," would be "the line between us which neither is to pass his foot over upon forfeit of his life."

Shields was much shorter than Lincoln, but the absurdity of the conditions failed to dissuade the fiery Irishman. The two men met across the Mississippi River from Alton because dueling was illegal in Illinois. Seconds and John J. Hardin and Dr. R. W. English, mutual friends of the would-be combatants, patched up the feud before the duel began. Lincoln was considerably embarrassed for the rest of his life that he had agreed to fight a duel. When Lincoln and Mary were married, they agreed never to mention it again.

Governor Thomas Ford appointed Shields to the Illinois Supreme Court in 1843 and later entrusted him with the manuscript of his *History of Illinois*, an important source for Illinois political history during Lincoln's early career. Shields devotedly saw it through to publication in 1854. Shields was wounded in the Mexican War and returned to Illinois to be elected United States Senator in 1849, a phenomenon Lincoln cynically described as "a fruit of the glorious Mexican war." In 1855 Lincoln aspired to Shields's seat, but both men were defeated, Lyman Trumbull being chosen by the legislature in a complicated and bitter election. Shields was later elected

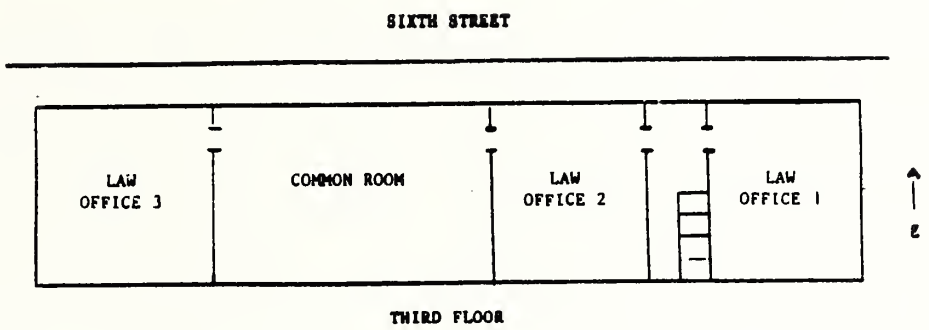
Senator from Minnesota and subsequently moved to California, "sick and tired of public life."

Shields was depressed by "the struggles of parties in this country almost as shamefully selfish as the wretched struggles of degenerated factions in Mexico." In 1860 he vowed never to *"help . . . impose a Northern man on the South as President."* The South, he felt, was "acting in self-defense." He personally preferred Stephen A. Douglas for President, but since Douglas was unacceptable to the South, he reluctantly supported John C. Breckinridge. When war broke out, he was managing a mine in Mexico, but he quickly offered his services to the United States government. Republicans accused him of disloyalty for his pro-Southern statements in 1860, but Lincoln appointed him brigadier general of volunteers on August 19, 1861, partly to satisfy Irish-Americans. Shields resigned his commission in 1863. He later served as a United States Senator from Missouri (1879).

SOURCES: On the Lincoln-Shields duel, see Paul M. Angle, *"Here I Have Lived": A History of Lincoln's Springfield* (New Brunswick, N.J.: Rutgers University Press, 1935), and James E. Myers, *The Astonishing Saber Duel of Abraham Lincoln* (Springfield, Ill.: Lincoln-Herndon Building Publishers, 1968). A newspaper clipping entitled "Out of His Own Mouth" in the Abraham Lincoln Papers, Library of Congress, reveals Shields's political views in 1860.

Source: Mark E. Neely, Jr., The Abraham Lincoln Encyclopedia (1982), p. 32.

STATION #5: Common Room/Jury Room



Theme

This room, which was used both as a common room and as a courtroom annex, exemplifies the way in which intimacy and informality helped impart to the courts and practice of law the same air of stability and legitimacy now based, in our modern complex society, upon such things as impersonal rules of practice and professional standards.

Material Support

--Location of common room between attorneys' offices on the third floor.

--Location of common room over federal courtroom on second floor.

--Stairs leading down into federal courtroom.

This room most likely served two functions. Located between two law offices and connected by a stairway to the federal courtroom downstairs, it probably served as a common room used by the lawyers and their clerks (young men studying law) who gathered here to discuss politics, argue points of law, and entertain one another with the latest stories, a favorite pastime of Lincoln's. The stairway also suggests that while court was in session downstairs the room may have been used as a courtroom annex, perhaps even as a jury room.

This room exemplifies in several ways the informal and intimate aspects of antebellum legal practice that strike 20th-century Americans as either ethically inappropriate or quaintly primitive. Law offices located over a courtroom and a jury room located between two law offices seem by our 20th-century standards to be violation of those impersonal rules of conduct and well-established court procedures that, in our court system, guarantee a fair trial. Could a fair hearing take place in such a setting? we would ask. In a like manner, the endless story-telling and constant banter that evidently occurred in rooms like this and even in the courtrooms seem amusing but somehow out of place. We expect a more dispassionate, orderly, and dignified atmosphere surrounding the legal process.

Yet informality and intimacy helped impart to the courts and practice of law in Lincoln's day the same air of stability and legitimacy now based, in our complex modern society, upon such things as impersonal rules of practice and professional bar associations with their codes of ethics. Out of the lively good fellowship that took place between members of the bench and bar in rooms like this, on the circuit, and across the square in leisure moments at the State House emerged an intimacy that enabled attorneys and judges to understand one another and to resolve issues face-to-face. Informality and intimacy, in other words, created a professional community that enforced standards and provided much needed stability to a legal system that existed in the rapidly changing environment of a highly mobile, ever-expanding social order. Informality and intimacy were the mainsprings of professional legal conduct in Lincoln's day.

Close personal, political, and professional bonds united members of the bar in Lincoln's day. "The lawyers of that day were brought much closer together than they ever have been since, and the esprit de corps was much more marked," remembered one of Lincoln's associates.[1] No aspect of the era's legal culture was more important than the way in which judges, attorneys, and their law clerks met casually in rooms like this to swap stories, discuss politics, and argue law. Lincoln had many "bosom friends" among his fellow lawyers, who were "near and dear" to him, recalled Herndon.[2] Such close friendships among fellow lawyers were based on bonds of intimacy created and nourished by the kind of convivial, informal socializing that took place on the circuit, in common rooms like this, and over at the State House in the Supreme Court room and its adjoining library.

The story-telling penchant for which Lincoln became so well known sprang partly from and was, in many ways, a reflection of the intimate, informal western legal culture to which he belonged during his years in the Tinsley Building. It was an all-male legal culture with rugged western overtones that found expression in the story-telling sessions led by Lincoln and his colleagues on the Eighth Judicial Circuit. Lincoln was not the circuit's only story-teller. "There were three noted story-tellers, jokers, jesters in the central part of this State especially from 1840 to 1853: Lincoln of Sangamon County, William Engle of Menard, and James Murray of Logan," recalled Herndon. The three "would travel around from county to county with the court," providing evening entertainment for "judge, the lawyers, jurymen, witnesses, and all."[3] It is abundantly clear from the following description by Herndon that he remembered the experience fondly and that the conviviality shared by lawyers on the circuit was likely to provide the kind of experiences upon which intimacy and close friendships are so often based:

> In the evening, after the court business of the day was over and book and pen had been laid [down] by the lawyers, judges, jurymen, witness, etc. the people generally would meet at some barroom, 'gentlemen's parlor,' and have a good time in story-telling, joking, jesting, etc. . . . The barroom, windows, halls, and all passageways would be filled to suffocation by the people, eager to see the 'big ones' and to hear their stories. . . . Lincoln would tell his story in his very best style. The people, all present, including Lincoln, would burst out in a loud laugh and a hurrah at the story. The listeners, so soon as the laugh and the hurrah had passed and the silence had come in for its turn, would cry out: 'No, Uncle Billie (William Engle), you must beat that or go home.' Engle would clear his throat and say: 'Boys, the story just told by Lincoln puts me in mind of a story that I heard when a boy.' He would tell it and tell it well. The people would clap their hands, stamp their feet, hurrah, yell, shout, get up, hold their aching sides. This would soon calm down. There was politeness and etiquette in it. Each must have his turn. . . . The good people would, as soon as quiet reigned, cry out: 'Now is your time; come, Murray, do your level best or never come here again to tell your stories.' Murray would prepare himself with his best. At first he would be a little nervous, but he would soon gather confidence, rise up, walk about, telling his tale as he moved in harmony with his story; he would tell it well, grandly, and the people would sometimes before the story was ended catch the point and raise such a laugh and yell that the village rang with the yells, laughs, and hurrahs. . . . Lincoln and Engle now were nervous for their turns to come around . . . and thus this story-telling, . . . would be kept up till one or two o'clock in the night, and thus night after night till the court adjourned for that term. In the morning we would all be sore through from excessive laughing--judge, the lawyers, jurymen, witnesses, and all.[4]

One feature worth noting in Herndon's account is his insistance that the story telling was conducted in an atmosphere of "politeness and eliquette." Central Illinois was well beyond the frontier stage when Lincoln traveled the circuit. He and his companions were not ignorant, crude frontier bumpkins. Lincoln "was a remarkably clean man in his conversation," though he did endure "some risque stories on account of their wit," recalled one of his clerks.[5] Story-telling was not an expression of frontier crudeness but a form of entertainment in a rather sparsely populated rural society in which people looked to semi-annual court days in their counties as opportunities for entertainment. "People had not much to do at the time," wrote Herndon. Story

telling was "the way we old Westerners passed away our time. We loved fun and sport--anything for amusement. . . .

> This story-telling was kept up faithfully from county to county and from term to term and from year to year. . . . Each age has its own sport and so with each people. This may seem folly now, but it was real life to us then. All that we had to do, all that we could do, was to have joy and happiness in our own way.[6]

The evidence suggests that the same intimate, informal, and sociable atmosphere that pervaded cirucit life was also present among lawyers and judges in Springfield. Attorneys descended upon the state capital several times each year to attend the annual or semi-annual sessions of various state and federal courts. "One of the great features in Illinois . . . was the meeting of the Supreme Court of the State," recalled Elihu Washburne, a Galena attorney and political ally of Abraham Lincoln who later served sixteen years in the U.S. Congress before being appointed minister to France by President Grant. The lawyers gathered in Springfield "from all the principal towns of the State" for the Supreme Court sessions, which Washburne described as a "reunion of a large number of the ablest men in the State," many of whom "had been dragged for hundreds of miles over horrible roads in stage-coaches or by private conveyance." Once in Springfield, attorneys "got up" the same sort of informal story-telling sessions that enlivened life on the circuit, gathering evenings at the State House in the Supreme Court chamber itself or in an adjoining law library to trade stories. "There were many good story-tellers in that group of lawyers that assembled evenings in that Supreme Court-room," remembered Washburne. "They were never so happy as when together and listening to the stories of each other."[7] Once again, Herndon has left one of the vividest accounts:

> I was deputy clerk of the Supreme Court of the State and had some peculiar advantages to hear and to see. Mr. Lincoln would come down from his home to the Supreme Courtroom about seven or eight o'clock in the evening. The lawyers--Browning, Logan, Bushnell, and other lawyers--were studying their cases and making abstracts and briefs, etc. Lincoln would come into the room in a good humor in one of his best moods, speak kindly and pleasantly to all, and say: 'You men sitting here so mum puts me in mind of a story.' The lawyers would say: 'What is the story, Lincoln? Come, tell it,' and tell it he would, and that story would suggest another, and so he would break up all reading, abstract, and brief business; he would keep on till twelve or one o'clock in the night.[8]

Lincoln clearly carried his story-telling propensity into the office. "I wish you co[uld] be in the office about two hours, to hear Lincoln tell his tales and anecdotes, of which he has any amount," Gibson Harris wrote to a friend in 1846:

> I sometimes have to hold my sides at times, so convulsed with laughter, as to be almost unable to keep my seat. I have seen a dozen or more, with their hands on their sides, their heads thrown back, their mouths open, and tears coursing down their cheeks, laughing as if they would die, at some of Lincoln's jokes.[9]

Another clerk, John H. Littlefield, later recalled:

> While in the office considering some important case I have frequently known him to put the book down, and all at once break out: 'Do you know what this case makes me think of?' And then he would tell a story. In this way humor would enliven jurisprudence.
>
> One day he came to the office and had scarcely opened the door when he exclaimed: 'John, did I ever tell you that rat story?' Then he told, with great earnestness, about a man who stammered and who tried to cure himself of the habit by whistling. . . .
>
> . . . It was surprising to see what a fund of anecdote he had. No story could be told but he could match it, and 'go one better.' He had a remarkable memory.[10]

The story-telling of which Lincoln and his colleagues were so fond is most often presented as an amusing, loveable, and folksy habit characteristic of a frontier society populated by charming and sometimes clever but nevertheless unsophisticated rustics. Lincoln the lawyer appears in this frontier mythology as an uneducated and awkward but oftimes shrewd pioneer attorney who used his rustic manner to beguile country juries and his tall tales to entertain his unlettered colleagues. Some easterners in Lincoln's own day evidently held such a view of westerners, as an eastern newspaper's description of Lincoln in 1860 as a "clever, awkward, jolly, commonplace, hum-drum lawyer" suggests.[11] Such was, however, not the case. It is a false picture of Lincoln the lawyer, his colleagues at the bench and bar, and the courts in which they practiced law.

Story-telling was neither a whimsical pastime nor evidence of a crude frontier society and an unsophisticated mentality. It was instead a phenomenon with enormous social significance both as a symptom of and a factor contributing to the atmosphere of personal intimacy and informality in which law was practiced in Illinois in the 1840s. Court

. . .

was convened and law practiced with an air of intimacy and informality that seems both amusing and inappropriate today. Here, for example, is one description of a court session presided over by Lincoln's friend, Judge David Davis, on the Eighth Judicial Circuit, perhaps in 1858:

> To illustrate the 'style' of business in court by something very common: the first term of Davis' court I attended, the Judge was calling through the docket for the first time, in order to dispose of such cases as could be done summarily, and likewise to sort the chaff from the wheat, when he came across a long bill in chancery, drawn by an excellent, but somewhat indolent lawyer, on glancing at which, he exclaimed, 'Why, brother Snap, how did you rake up energy enough to get up such a long bill?' 'Dunno Jedge,' replied the party addressed, squirming in his seat and uneasily scratching his head. The Judge unfolded and held up the bill: 'Astonishing, ain't it? Brother Snap did it. Wonderful, eh! Lincoln?' This amounted to an order on Lincoln to heave a joke in at this point, and he was ready of course; he had to be, he never failed. 'It's like the lazy preacher,' drawled he, 'that used to write long sermons, and the explanation was, he got to writin', and was too lazy to stop.'[12]

The air of informality and good-natured intimacy evident in the above example was made possible by the personal ties that linked members of the bench and bar. Those personal ties were rooted in shared experiences and the good fellowship that enlivened circuit life and long sessions of court in Springfield. Intimacy could hardly be avoided on the circuit where:

> the lawyers slept two in a bed and three or four beds were located in one room: at meals, the Judge, lawyers, suitors, jurors, witnesses, court officers, and prisoners out on bail, all ate together and carried on a running conversation all along the line of a long dining-room.[13]

In a 20th-century courtroom such intimacy and informality would seem out of place and inappropriate as violations of long-established rules of practice. Impersonal rules provide, in our court system, stability and predictability and lend to the proceedings an air of legitimacy and authority. But those rules of practice, legal procedures, and the institutions of justice were far less well-developed in Lincoln's Illinois, and the courts existed in the rapidly changing environment of a highly mobile, growing social order. In such a social setting, stability and legitimacy sprang from the very intimacy and informality that we find so inappropriate.

Lincoln and his colleagues relied not on impersonal rules of conduct and well-established court procedures to provide stability and predictability to their practices. They relied instead upon their personal knowledge of one another, their understanding of each other's habits and prejudices, and their ability to resolve differences by meeting and talking face-to-face. Although there was no bar association, (the Illinois Bar Assocation was founded in 1877), Lincoln and his colleagues possessed a strong sense of professional community and demanded of one another a professional standard of practice appropriate to the era and state of society in which they lived. They enforced their professional standards not through the impersonal mechanism of a bar association but personally and informally. Davis and Lincoln were not simply making meaningless fun of their lazy "brother Snap" in the above-cited courtroom scene. They were enforcing professional standards by chiding a "somewhat indolent lawyer" for his sloppy practice, and it seems likely that the riducule endured by Snap on this occasion would have been as effective as a reprimand from a modern bar association.

Courts depend for their effectiveness and existence upon the public's acceptance of their legitimacy. That sense of legitimacy, the feeling that justice is usually being well-served, depends in our large and complex modern society upon the formal and impartial application of well-developed and long-standing impersonal rules of practice. It was quite the reverse in Lincoln's day, when legitimacy depended instead upon the personal relationship that judges and attorneys enjoyed with one another and the public. Here's how one historian describes the feeling of legitimacy that flowed from the personal intimacy and informal air characteristic of state circuit courts in their early years:

> Judges did not deal with lawyers as mere officers of the court who appeared when court opened, presented their briefs, then hastened back to offices to continue serious work. They dealt rather with men who were in literal attendance upon the court, who received clients in the courtroom or within sight of it, who prepared briefs (if any) and arguments while lingering so close to the proceedings that they could hear anything startling that developed. Both clients and students came to lawyers because they had seen them act the part of strong personalities in public quarrels or in the somewhat formalized disputes of court procedure, especially in criminal trials. Clients sensed in the emotional intensity of life at the bar a guarantee that the legal profession could never be completely removed from the feelings of ordinary men--even though that very intensity bound the bar into a closed, interresponsive unit. . . . The important community was that of the professional group itself, which depended on the personal contact of members who moved together

> against the background of a series of localities that provided merely the stuff with which lawyers worked. . . . The court was a group of players that went to the people, not an institution of record in which people found rights rendered abstractly permanent.[14]

It is important to recognize, however, that the practice of law changed in significant ways during the 23 years (1837-60) that Lincoln lived in Springfield. Courts grew less personal and more formal as life in Illinois became more complex. A network of railroads that crisscrossed the state in the 1850s lessened the hardships of travel between county seats, making it possible for circuit riding lawyers to go home between court sessions and eroding much of the enforced isolation and intimacy of circuit life. Chicago's growth drew lawyers and courts away from Springfield. The federal courts, for example, began holding Chicago sessions in 1848, and in 1855 the state was divided into northern and southern districts, with the U.S. District Court for Northern Illinois sitting in Chicago. Thus ended the special sense of community and intimacy that lawyers from all across the state had imbibed from their pilgrimages to Springfield. Henceforth the Illinois bar and courts would move gradually toward more formal and impersonal mechanisms--well-developed rules of practice and professional standards, bar associations, etc.--to evoke that air of predictability and legitimacy upon which all judicial systems depend.

STATION #6: Law Office 3

Theme

Lincoln and Herndon occupied, in this corner room, one of the finest office locations in Springfield, and it was here that the two very different partners began, in 1844, a successful law practice that spanned 21 years, lasting until Lincoln's death in 1865.

Material Support

--North window facing Old State Capitol

--East window facing what was, in Lincoln's day, the American House.

--T-shaped table covered in green baize

--Rocker

--Bed

--Trap door to courtroom on second floor

--Adjoining common room, which may have been used as a jury room

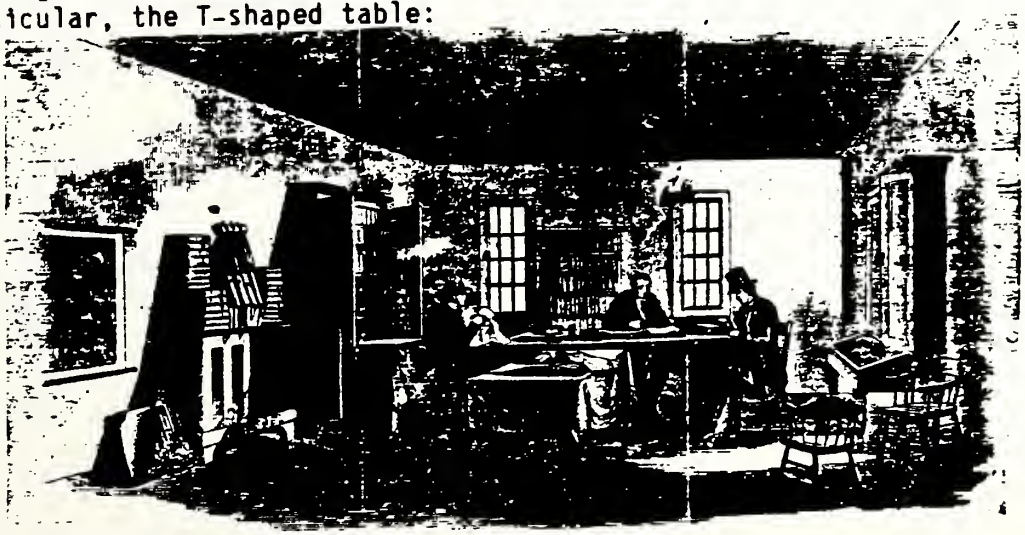
--Picture of Henry Clay

--Proximity to downstairs post office

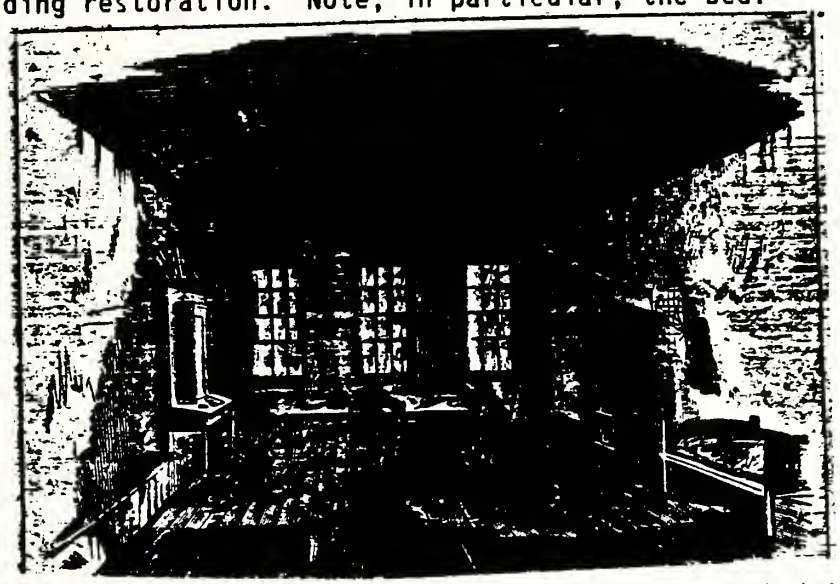
This corner room was the first Tinsley Building office occupied by Abraham Lincoln. In 1843 Lincoln and his second partner, Stephen Logan, moved their practice here from an office on Fifth Street, and when Logan left the partmership to enter practice with his son David, Lincoln and his new partner, William Herndon, continued to use this office. They most likely remained here until Lincoln went to Congress in 1847. It is believed that at that time Herndon, needing less office space with his partner gone, moved the firm into the smaller office on the Tinsley Building's south end.

Lincoln and Herndon possessed, in this corner room, one of Springfield's finest office locations. It was in close proximity to the State House, Springfield's most popular hotel, the post office, and the only federal courtroom in Illinois, as well as the offices of serveral prominent young attorneys with political aspirations. Of particular significance was the Capitol building, which Lincoln and Herndon could see through their north window. The Illinois Supreme Court met in the Capitol twice each year. Not only did Lincoln and Herndon appear often before the court, they made regular use of the splendid law library maintained in an adjoining room. Through their east window, Lincoln and Herndon were in a position to see the comings and goings at Springfield's finest hotel, the American House, which occupied the spot where Rolands now stands. A three-story brick structure with forty rooms, the American House boasted a spacious lobby and fine dining facilities, and it was widely regarded as one of the region's best hotels, a favorite stopping place for visiting lawyers and politicans until the late 1850s when the Chenery House and the St. Nicholas Hotel supplanted it in public favor. Not only were Lincoln and Herndon in a position to observe the State House and Springfield's finest hotel, their office was directly over the only federal courtroom in Illinois. Two federal courts--the U. S. District Court of Illinois and the U. S. Circuit Court for the District of Illinois--convened immediately beneath their office, and those courts most likely even used the adjoining third-floor common room as a jury room. The partners were thus well-positioned to keep abreast of the federal courts in Illinois. Also advantageous was their proximity to Springfield's post office on the first floor. As every politician still knows, a small-town post office is a good place to meet the public, and for a lawyer like Lincoln, it was a good place to buttonhole fellow attorneys and clients for a little informal negotiating.

The furnishings in this corner office are an imaginative re-creation, an educated best-guess restoration of what Lincoln and Herndon might have had here based upon several reminiscences and the following illustrations that appeared in Leslie's Weekly Illustrated in 1860. The top illustration shows Lincoln's office last office on North Fifth Street. It is not a picture of the Tinsley Building offices, but elements of its furnishings were incorporated into the restoration of this room. Note, in particular, the T-shaped table:



The second Leslie's Weekly Illustrated picture (below) shows Lincoln's first law office in Hoffman Row (109 North Fifth Street). Once again, elements displayed in this illustration were incorporated into the Tinsley Building restoration. Note, in particular, the bed.



Appearing in the illustrations that have been incorporated into this restoration include the T-shaped table from the 1860 office and the day bed from the 1837 office. Note that the T-shaped table is, like most of the tables in the Tinsley Building restoration, covered with felt to simulate green baize (baz), a woolen cloth commonly used to cover office furnishings in Lincoln's day. Either a day bed or a sofa seems to have been present in each of Lincoln's offices. They appear to have been among his favorite pieces of furniture as the following recollections of his partner and law clerk suggest. "When [Lincoln] reached the office, about nine o'clock in the morning," remembered Herndon, "the first thing he did was to pick up a newspaper, spread himself out on an old sofa, one leg on a chair, and read aloud, much to my discomfort. . . . . This habit used to annoy me almost beyond the point of endurance. I once asked him why he did so. This was his explanation: 'When I read aloud two senses catch the idea: first, I see what I read' second, I hear it, and therefore I can remember it better.'"[1] Gibson Harris, who clerked for Lincoln and Herndon from 1845 to 1847, had a somewhat similar recollection of Lincoln and the office "lounge:"

> His [Lincoln's] brain was a singularly active one--seemed to never rest, never to tire. Yet as a formal student Lincoln struck me as actually lazy. Days of leisure came frequently, and on such he might sometimes be seen sitting in his chair, with his feet on the office table, reading the office copy of Burns or Byron. He would read for an hour or more, then close

> the book and stretch himself at full length on the office lounge, his projecting over the end of it, hands under his head and eyes closed, and in this attitude would digest the mental food he had taken. . . . But weeks might pass before this would be repeated. He read but little at the office, and I have never imagined there was much burning of the midnight oil at his home.[2]

Additional evidence for the furnishings in this office comes from the reminiscences of Lincoln's acquaintenances at various stages in his career. Herndon, for example, recalled furnishings in the very first Lincoln law office (Stuart and Lincoln, 1837-1841) as "a small lounge or bed, a chair containing a buffalo robe, in which the junior member was wont to sit and study, a hard wooden bench, a feeble attempt at a book-case, and a table which answered for a desk."[3]

Gibson Harris left another account of the office as it appeared in the Tinsley Building while he was clerking for Lincoln in the mid-1840s. Note that Harris, writing about 60 years after the fact, locates the Lincoln-Herndon office on the Tinsley Building's second floor. A preponderance of the evidence, however, seems to indicate that his memory was clouded in this regard and that the Lincoln-Herndon offices were on the Tinsley Building's third floor, as in the current restoration. Here's how Gibson Harris recalled the Lincoln-Herndon law office in the mid-1840s:

> Lincoln and Herndon's office consisted of one large room on the second floor of the building in which was the post office. Across the hall, and directly over the post-office, the clerk of the United States District Court held forth. The furniture, nearly all of it in more or less dilapidated condition, comprised one small desk and a table, both of them quite plain, a sofa, or lounge, with raised head at one end, and a half a dozen wooden chairs. Over the desk a few shelves had been enclosed; this was the office bookcase, holding a set of Blackstone, Kent's Commentaries, Chitty's Pleadings and a very moderate number of other books. There was a fine law library in the Capitol Building, and to this the attorneys of the city enjoyed free access at all times. The floor in our office was almost never scrubbed, and the sweeping was done by the clerk.[4]

Similar reminiscences exist for other Lincoln law offices, especially the last office on North Fifth Street where the Myers' Building now stands. Here's Herndon's account:

> The office was on the second floor of a brick building on the public square, opposite the court-house. You went up one flight of stairs and then passed a long hallway to the rear

> office, which was a medium-sized room. There was one long table in the center of the room, and a shorter one running in the opposite direction, forming a T, and both were covered with green baize. There were two windows which looked into the back yard. In one corner was an old-fashioned secretary with pigeon holes and a drawer, and here Mr. Lincoln and his partner kept their law papers. There was also a book-case containing about 200 volumes of law as well as miscellaneous books.[5]

Finally, Henry Clay Whitney, one of Lincoln's circuit riding colleagues, has left the following recollections of Lincoln's last office:

> The stubborn and prosaic fact, however, is, that no lawyer's office could have been more unkempt, untidy and uninviting than that of Lincoln & Herndon, even when the senior parnter was in the zenith of his political career.
>
> It was located in the second story of a building on the west side of the public square, one building south of the street that bounds the square on the north, in a back room, dimly lighted by the windows, apparently innocent of water and the scrub-man since creation's dawn, or the settlement of Springfield.
>
> But the lack of translucent qualities in the windows, was compensated somewhat by the transparency of the upper half of the door leading into the hall--for there was nothing there to obstruct the perfect vision--not even a gossamer's wing, for it was perfectly diaphanous; in other words, both of the upper panels and the center piece were gone: and an agile man could readily have vaulted through the opening.
>
> I think there was no carpet on the floor; it so, it must have been, if in harmony with its surroundings, a marvelous fabric. And the sum total of the furnishing of the office, as I recollect it, was a rocking-chair (a favorite seat of Lincoln) and several other ordinary chairs, an old table numerously indented with a jack-knife, a wood stove, and some common book-cases, occupied for the most part with session laws and public documents.[6]

A rocking chair appears in Whitney's description as a "favorite seat of Lincoln," so a rocker has been incorporated into the Tinsley Building restoration. No picture of Henry Clay is evident in the Leslie's Weekly illustrations or in the reminiscences, but the Clay picture in the Tinsley Building north office hands as a symbol of Lincoln's admiration for Clay and his political principles. Clay represented, in the 1840s, a political outlook admired by many young Whigs, including Lincoln and Herndon (see attached article on Henry Clay and the Whig Party). Although Herndon supported his partner's political aspirations and held several local offices himself (including mayor of Springfield), he

became, as the years passed, somewhat disenchanted with the whole political process, writing on one occasion: "Three fourths of the political world--those who lead especially--are corrupt-fish--dollar-power seekers--mud hunters--scoundrels."[7]

Several original pieces of law-office furniture still exist, while others have been destroyed or simply have vanished with the passing years. Herndon evidently claimed much of the furniture after Lincoln's death. "After my father's death," wrote Robert Todd, "I made a mild attempt to get something out of his law office, as a part of my souviners of him, but was met by Herndon's proposition that everything had been given to him when my father went to Washington, in 1861."[8] In the 1880s Herndon, who was deeply in debt, sold off several law office items for a small sum to the "Lincoln Memorial Collection," a travelling exhibit organized by two Springfield men, and Herndon's letter authenticating those items provides additional information regarding the law office furnishings:

> The desk made of walnut with four shelves in it, with two leaved doors belonged to Lincoln and myself in our early practice. The desk contained most of our books, for years. The table is made of walnut with two drawers; the desk and table were placed in our office on the same day, say as early as 1850, probably before. You now own the desk and table that Lincoln once owned; he gave me the desk and table, and what you have is genuine and true.[9]

The walnut desk described by Herndon appears to have passed into the hands of Lincoln collector William H. Lambert of Philadelphia when the Memorial Collection was sold at auction in the 1890s. Several law office items owned by Lambert subsequently appeared in various publication, providing additional evidence with regard to the office furnishings. Ida Tarbell accompanied one of her McClure's Magazine articles with the following photo of objects from Lambert's collection:



Source: Ida Tarbell, "Lincoln as a Lawyer," McClure's Magazine, July 1896.

Frederick Trevor Hill's book, Lincoln the Lawyer, is likewise illustrated by the following drawings of items from the Lambert collection:



From Maj. Wm. H. Lambert's collection
Bookcase and table used by Lincoln in his law office
(Destroyed by fire June 4, 1906)



From Maj. Wm. H. Lambert's collection
Inkstand used by Lincoln in his law office



From Maj. Wm. H. Lambert's collection.
Chair used by Lincoln in his law office.
(Destroyed by fire June 4, 1906.)

Unfortunately, none of these pieces still exist, having been destroyed by the fire that consumed Lambert's collection in 1906.[10]

Lincoln's Law Practice: Some Office-Related Interpretive Themes

In interpreting Lincoln's law practice, it is important to focus on those aspects related directly to his office, to what visitors are seeing and experiencing. Such office-related interpretive themes might include:

1) Lincoln and Herndon practices from one of the finest office locations in Springfield when they occupied the Tinsley Building's third-floor north office. They were in close proximity to the State House, the only federal courtroom in Illinois, Springfield's finest hotel, and the local post office. See paragraph two of this station summary for additional details.

2) Much of what took place in the office, like any attorney's law practice, involved routine and commonplace chores.

Research cases, preparing briefs, attending to correspondence, and drafting such routine legal documents as mortgages and wills consumed much of the time that Lincoln, Herndon, and their law clerks spent in this office. "In the office, where lay my little round of routine duties," remembered law clerk Gibson Harris, "it was usually such petty work as the drawing up of unimportant deeds, mortgages and contracts. To

be actually present at a trial was a rare treat for any Springfield law student."[11] Law office drudgery was made even more tedious by the need to write documents by hand, often in multiple copies. When, for example, the partners were preparing a case for the Illinois Supreme Court, Harris was set to "the tiresome duty of copying abstracts of cases, to be used in the Supreme Court, one abstract for each of the nine judges."[12] Such monotony eventually contributed to Herndon's growing disenchantment with the law. "A law office is a dull, dry place," he wrote in his biography of Lincoln. By 1860 he had come to feel that court proceedings were "utterly disgusting." "Reason and justice will never decide," he complained, "I hate the law: it cramps me: it seems to me priestly barbaric. . . . I say I hate the law."[13]

Herndon's complaints notwithstanding, the record shows that the firm of Lincoln and Herndon did its homework, diligently researching precendents and carefully preparing documents for court when possible. A large notebook in Herndon's handwriting from the Illinois State Historical Library manuscript collection is, for example, filled with citations of authorities for cases handled by the partnership in 1849 and 1850, and there is a similar notebook in the Herndon-Weik Collection in the Library of Congress. Such careful preparation was not, however, possible on the circuit where Lincoln and the other circuit-riding attorneys might arrivce in a county seat on a Saturday or Sunday with no cases or clients. Potential litigants or local lawyers would solicit their help, and whatever documents might be required were written on the spot in anticipation of the opening of court on Monday.

3) Herndon was the partnership's informal office manager, so a client, fellow lawyer, or other visitor to the Lincoln-Herndon office would have been more likely to find Herndon than Lincoln in the office.

Historians trying to reconstruct the working relationship that existed between Lincoln and Herndon have totally discredited Herndon's self-serving claim that because Lincoln "detested the mechanical work of the office [he] wrote few papers--less perhaps than any other man at the bar." The great volume of legal papers still existing in Lincoln's hand gives lie to Herndon's claim, argues one modern student of Lincoln's legal career:

> . . . Lincoln was extremely industrious in his calling. Even in its purely physical aspects, his achievement is staggering. The paper work of lawyers--preparing pleadings for court, drawing up business documents and attending to correspondence--was onerous in those days, since it had to be done laboriously by pen. Considering the sheer volume of legal documents and memoranda prepared by Lincoln--some of them engrossing, some of them dull, many of them (those not taken from Chitty on Pleadings) marked

> by his distinct, tight prose--the wonder is how he found time for anything else. Herndon, with whom accuracy was not always a fetish, couldn't have been wider of the mark than when he said that Lincoln did less office work than any other lawyer in Illinois.[14]

But if Lincoln so obviously shared in the routine daily tasks and nitty-gritty of legal practice, was there any division of labor within the partnership worth mentioning? Certain "lines of distinction can be drawn between the work the two men performed," argues Herndon biographer David Donald, who explains that to some extent

> both men performed all the duties of a lawyer: each interviewed clients, wrote the necessary legal papers, and attended to cases in courts; each appeared alone in many cases and in conjunction with other lawyers in Springfield or elsewhere. Both went out on the circuit and both practiced in all the courts accessible--county, state, and federal.

Yet Herndon was clearly "entrusted with the management of the office," minding affairs in Springfield while Lincoln was out on the circuit.[15] "I was on the circuit with Lincoln probably one-fourth of the time," wrote Herndon. "The remainder of my time was spent in Springfield looking after the business there."[16]

As the partnership's informal office manager, Herndon purchased furniture, stocked the small library with books, and subscribed to the newspapers of which Lincoln was so fond. Herndon was also responsible for supervising and instructing the firms law clerks. When John Littlefield applied for a clerk's position in 1859, Lincoln told him to "arrange the preliminaries with Billy," and Gibson Harris, who was flattered to have Lincoln take an interest in him personally, soon realize

> the less pleasing fact . . . that Mr. Lincoln was not an assiduous instructor in the technics of law (which, indeed, were always more or less irksome to him, . . .), and reluctantly I began to turn to Mr. Herndon for such explanations as I needed, or, as opportunity offered, discussed what to me were knotty points with various younger members of the local bar.[17]

Herndon, according to the best available accounts, also did much of the firm's research. In his own words, he "toated books and hunted up authorities" for Lincoln.[18] Herndon, a much younger man (9 years), probably began his partnership with Lincoln as little more than a clerk, and they probably developed a more equal relationship as the years passed. Still, Herndon's biographer is inclined to accept the testimony

of Albert T. Bledsoe, another Tinsley Building attorney, who wrote that Lincoln

> did his reading as some men do their religion, by proxy, by his Good-Man-Friday, William H. Herndon, who, with creditable zeal and industry, would collect all sorts of cases and authorities for him. From these he would make his selections, and prepare his arguments, to the great disgust often no doubt, of Mr. Herndon, who saw so much of the material collected by him thrown aside as useless.[19]

Personality differences between Lincoln and Herndon most likely contributed to the partnership's success. The two men were, in many ways, opposites. "Whereas Lincoln was deliberate, easy going, cautious, and conservative, Herndon was quick-tempered, rash, and unpredictable," writes historian Benjamin Thomas.

> Herndon was something of a dandy in his younger years, affecting a tall silk hat, kid gloves, and patent-leather shoes. Five feet nine inches in height, thin, angular, erect, he moved and walked quickly with a superabundance of nervious energy. Dark-skinned, with raven hair, he had sharp black eyes set deep in crater-like circles. His nature was contradictory; a good lawyer, he never acquired any fondness for the law; a temperance advocate, he frequently got drunk. Although he was an earnest student of philosophy, he never learned to systematize his thoughts. His literary style was verbose and often pompous. Time and time again Lincoln would counsel: 'Billy, don't shoot too high. Aim lower and the common people will understand you.'[20]

Lincoln, despite his humble demeanor and sometimes awkward social manner, moved in Springfield's best social circles, while Herndon ran with the "shrewed, wild boys about town." Each appealed to his own very different clientele, thus augmenting the partnership's business. The personality differences between the two partners were clearly evident in their legal tactics:

> Both partners appeared frequently in court, but their legal tactics were not at all the same. With Lincoln the emphasis was on casual, friendly questioning of the witnesses, free from technical matters of law. He would good-naturedly concede nine points out of ten to the opposing counsel, until it seemed he had given his case away. But on the tenth point he would insist, and it was the nub of the action. In presenting the arguments to the jury Lincoln excelled. With the utmost care he would go over the ground covered by the testimony until it

> seemed to his partner that he was driving his tacks with a sledge hammer. When the jury looked bored or lost, he would summarize a point in a well-told anecdote, phrase in simple, earthy terms. Herndon thought that though his partner 'knew nothing of the laws of evidence--of pleading or of practice, and did not care about them: he had a keen sense of justice . . . throwing aside forms--methods and rules of all law.' For lucidity of statement and patient explanation to a jury Lincoln had no equal in Springfield.
>
> Herndon's approach was entirely different. He read, thought, wrote rapidly. He dashed off legal papers in nervous spurts of energy, with much splattering of ink. Though his clients were usually perfectly satisfied with his services, he at times acted impetuously, before making a careful examination of his facts and arguments. He questioned witnesses briefly and humorlessly; he spoke rapidly and positively; he made short, impassioned gestures; when he became heated he might explode into profanity. He was a man under tension.
>
> There was a kind of wild determination in the way Herndon managed a case in court. He never conceded an issue but battled fiercely over each minor point. Far more than Lincoln he was likely to use every technical legal trick in his bag, even when it could ony delay certain defeat. Herndon was a popular man with the juries. Partly this was due to his affectation of kinship with the common man, which went over well in argicultural Sangamon County. He was startingly informal in court; he occasionally swore; he was intentionally careless in his dress when he appeared in court. He would 'often allow his trouser legs to rest in the top of one boot, and on a famous occasion, growing heated in his argument, he pulled off his coat and, flinging it aside on the floor, proceeded to address the jury in his shirt sleeves. He was eloquent, too, in his own way, emphasizing an emotional appeal in 'strong energetic & massive language.' To his nephew Herndon confided: 'When you get tears on the jury, you win your case.'[21]

Despite their personality differences and the fact that Herndon did not get along with Mary Todd Lincoln, a warm and lasting bond of affection existed between the two men. "Lincoln and I had many hot disputes in our office," Herndon recalled, "and yet those disputes were friendly ones." Their mutual affection is clerarly evident in Herndon's account of his partner's last visit to the North Fifth Street office just before leaving for Washington:

> In the afternoon of his last day in Springfield he came down to our office. . . . We ran over the books and arranged for the completion of all unsettled and unfinished matters. . . . After these things were all disposed of he crossed to the opposite

side of the room and threw himself down on the old office sofa, which, after many years of service, had been moved against the wall for support. He lay for some moments, his face towards the ceiling, without either of us speaking. Presently he inquired, 'Billy,'--he always called me by that name,--'how long have we been together?' 'Over sixteen years,' I answered. 'We've never had a cross word during all that time, have we?' to which I returned a vehement, 'No, indeed we have not.' He then recalled some incidents of his early practice and took great pleasure in delineating the ludicrous features of many a lawsuit on the circuit. . . . I never saw him in a more cheerful mood. He gathered a bundle of books and papers he wished to take with him and started to go; but before leaving he made the strange request that the sign-board which swung on its rusty hinges at the foot of the stairway should remain. 'Let it hang there undisturbed,' he said, with a significant lowering of his voice. 'Give our clients to understand that the election of a Presiddent makes no change in the firm of Lincoln and Herndon. If I live I'm coming back some time, and then we'll go right on practising law as if nothing had ever happened.' He lingered for a moment as if to take a last look at the old quarters, and then passed through the door into the narrow hallway. I accompanied him downstairs. . . . Grasping my hand warmly and with a fervant 'Goodbye,' he disappeared down the street, and never came back to the office again.[22]

4) <u>An informal, disorganized air characterized the Lincoln-Herndon law office.</u>

Little of the decorum, the office etiquette, that orders present-day law and business offices was present in the Lincoln-Herndon office. Informality reigned here just as it did in the courts. Office schedules and appointments appear to have been unknown as clients, fellow attorneys, and casual visitors felt free to simply drop in. "What I write to you is always written in my office amid bluster, confusion and 'malicious queries,'" Herndon reported to a correspondent in 1858. "You know a county law office, and if you do not, just step into ours some day and see for yourself." And on another occasion, he wrote: "Just as I was writing my letter to you my office got full of people inquiring about three cent law suits."[23] A similar impression emerges from the letters and recollections of Gibson Harris, who reported from the office in 1846: "I ought to be reading now, but there are four or five in the office, talking about a suit which they have in the Circuit Court. They keep up such a devil of a jabbering that I cannot read, with any advantage. It is as much as I can do to write without making almost numberless mistakes.[24]

Cluttered with papers and books scattered about in no apparent order, the Lincoln-Herndon law office had a disorganized, grubby appearance. "There was a kind of systematic lack of system about this firm," writes historian David Donald:

> Lincoln was absent on the circuit much of the time and had early entrusted the management of the office to Herndon, who was supposed to attend to such records and files as the partners kept. But Herndon was not an orderly person, and it is doubtful whether anyone could have kept Lincoln's desk neat. As a result the partners were constantly searching for letters which were somehow misplaced and for papers which simply vanished. Lincoln frequently stuck important notes in his stovepipe hat, and Herndon might take letters home from the office; in either case correspondence could be held up for months. And there were times when the partners had to confess frankly that documents sent them were 'lost or destroyed and cannot be found after search among the papers of Lincoln'Herndon.'
>
> Records were of the most desultory sort, and after the first years of the partnership apparently not even daybook or list of cases was kept. It was not customary to take notes of conversations with clients, and at least once Herndon forgot the amount of damages for which he was supposed to sue. Nor was bookkeeping more systematic. After the first year or so Lincoln and Herndon kept no accounts against themselves, simply dividing equally the fees paid to them. Lincoln made a practice of setting aside one-half of the money he received, marking it 'Case of Roe vs. Doe--Herndon's half,' while Herndon would bring in fees collected on the circuit in a small gunny sack and would count out the gold pieces in equal shares. As Lincoln told Henry C. Whitney: 'Billy and I never had the scratch of a pen between us; we just divide as we go along.'[25]

Lincoln's sons evidently contributed to the confusion that reigned in the law office, as a disgusted Herndon explained in the following recollection:

> Lincoln was proud of his children and blind to their faults. He, Lincoln, used to come down to our office on a Sunday when Mrs. Lincoln had gone to church, to show her new bonnet, leaving Lincoln to care for and attend to the children. Lincoln would turn Willie and Tad loose in our office, and they soon gutted the room, gutted the shelves of books, rifled the drawers, and riddled boxes, battered the points of my gold pens against the stairs, turned over the inkstands on the papers, scattered letters over the office, and danced over them and the like. I

have felt many a time that I wanted to wring the necks of these brats and pitch them out of the windows, but out of respect for Lincoln and knowing that he was abstracted, I shut my mouth, bit my lips, and left for parts unknown.[26]

5) Lincoln's Tinsley Building offices represent an early period in a law career that changed with the passing years.

Lincoln practices from the Tinsley Building between 1844 and about 1852. During that time, he went from junior to senior partner and from student to teacher, as he established a successful law practice in partnership with William Herndon. Scholarly assessments of Lincoln's law career tend to support Henry C. Whitney's conclusion that Lincoln was "not more than ordinarily successful for a first-class lawyer." Paul Angle's "Abraham Lincoln" Circuit Lawyer," (Lincoln Centennial Association Papers [1928], pp. 19-41) is probably the best analysis of the issues involved.

Much of Lincoln's large practice during his Tinsley Building years consisted of ordinary suits involving fees of five or ten dollars over issues typical of a rural society. There were "petty controversies or acrimonious disputes between neighbors about trifles . . . in attempting to decipher who was the owner of a litter of pigs, or which party was to blame for the loss of a flock of sheep, by foot rot; or whether some irascible spirit was justified in avowing that his enemy had committed perfidy."[27] As the quote suggests, civil rather than criminal suits constituted the bulk of Lincoln's circuit court practaice. His largest fees, his well-known corporation work, the peak of his practice in the federal courts and the Illinois Supreme Court, and the height of his political career came after Lincoln and Herndon moved their offices from the Tinsley Building.

STATION #7: Federal Courtroom (1841-1855)

Themes

--This courtroom was the only federal courtroom in Illinois between 1841 and 1848.

--Two kinds of federal courts, district and circuit, met here.

--Cases involving federal crimes, the public lands, commerce and finance bankruptcy, and debt collection were common in these federal courts.

--Lincoln enjoyed a succecssful federal court practice.

--Features of this room reflect Seth Tinsley's original intent in erecting this building for use as a store.

Material Support

--Two chairs on the judge's bench.

--Adjoining the judge's chamber and stairs to third-floor jury room.

--Trap door in ceiling.

--Rectangular panel of flooring behind front courtroom railing.

From 1841 until 1855, two federal courts held their semi-annual sessions in this courtroom:

United States District Court for the State of Illinois
United States Circuit Court for the District of Illinois

Both courts were transferred in 1839 to Springfield when the state capital moved here from Vandalia. Court sessions were held initially at St. Paul's Episiopal Church. Exactly when the federal courts first convened in the Tinsley Building is not certain, but they appear to have moved into the building shortly after its completion, probably in 1841. Rent for the courtroom and adjoining office was $500 per year in 1853. The federal courts moved from the Tinsley Building in 1855 to newly rented quarters in a 3-story structure owned by Lincoln's former partner, Stephen T. Logan, at the northeast corner of Sixth and Washington streets. Logan charged the court $800 per year for seven rooms that included a courtroom and accommodations for the judges, juries, clerk, marshal, and U. S. Attorney. Not until 1870 did the U. S. courts occupy quarters in a federally-owned building in Springfield.[1]

The basic structure of the federal courts as they existed in Lincoln's day was provided for in the Judiciary Act of 1789, which established a 3-tiered system of federal courts--U. S. Supreme Court, circuit courts, and district courts. The number and makeup of circuits and districts as well as terms and jurisdictions of the various courts

changed with various congressional actions over the years, but the basic structure of the federal courts remained the same until 1911, when the circuit courts were abolished. It is important to note that our present U. S. Circuit Courts of Appeal are not the same as the federal circuit courts in which Lincoln practiced.[2]

The United States District Court for the State of Illinois was established on March 3, 1819, and Presdient Monroe appointed Nathaniel Pope as the first district court judge for Illinois. Pope served until his death in 1850, when he was succeeded by Thomas Drummond. The jurisdiction of this U. S. district court covered the whole of Illinois until the state was divided in 1855 into two districts. The southern district court remained in Springfield, moving from the Tinsley Building into Judge Logan's more spacious new quarters, while the northern district court went to Chicago.[3]

As a result of that division, the bulk of the records for the federal courts during their years in the Tinsley Building were lost in the Chicago fire. "Since Judge Drummond, who was assigned the northern district, was the senior judge, all records were transferred to Chicago, only to be destroyed in the great fire of 1871," wrote historian Paul Angle. Most of the records of the federal courts during their Tinsley Building years thus went up in flames. Some evidence, however, still remains such as published court reports and transcripts of cases filed with other courts.[5]

Illinois possessed no federal circuit court until 1837. Circuit courts were not established in newly settled states until the case load seemed to warrant it, and there was, for many years, so little federal court litigation in Illinois that the district court assumed jurisdication over circuit court cases. Pope, who was therefore the only federal judge in Illinois for 18 years, usually took care of what little litigation there was in a few days at the semi-annual court sessions at Vandalia.[6] By the 1830s, however, the state's population had grown larger and more complex, and in 1837 Congress made Illinois a part of the seventh federal judicial circuit, which also included Ohio, Indiana, and Michigan.[7] Each federal circuit was assigned to a justice of the United States Supreme Court who was to visit each district on his circuit to hold court. Two judges--the federal district judge and the U. S. Supreme court justice--were to preside over each circuit court session. John McLean of Ohio was the U. S. Supreme Court justice assigned to the seventh circuit during the court's Tinsley Building years, and when he came to Springfield, McLean and Pope presided jointly over the circuit court.[8] The two chairs on the judge's bench in the Tinsley Building courtroom are intended to symbolize that joint endeavor. "Judges McLean

and Pope both presiding," noted a Springfield paper commenting on the federal court sessions held in the summer of 1843. "Both appear to enjoy their usual health and promptitude of character."[9] When McLean and Pope sat jointly and disagreed on a decision, the case was certified to the U. S. Supreme Court. "In all, nine cases were certified from the circuit court for Illinois to the Supreme Court during Pope's incumbency," noted Paul Angle. "In four of them it is apparent that the court upheld McLean, while in three others the judges sided with Pope. In the remaining two it is impossible to tell to whom the court incline, . . ."[10]

Congress required semi-annual terms of both federal courts, but the exact dates changed over the years. There were usually winter sessions of both courts and summer sessions of both courts. Congress had originally intended that the U. S. Supreme Court justice appear for all sessions, but by the 1830s the burden of travel was becoming prohibitive. McLean, for example, logged 2,500 miles in one year.[11] As a result, congress provided that the Supreme Court justice need to attend only one term annually in each district of his circuit:

> He was to designate the term he would attend, taking into consideration the nature and importance of the business pending therein, as well as public convenience. When the Justice attended the circuit court, the following types of cases were to be given priority on the docket: appeals and writs from the district court and those cases specially reserved by the district court judges which he felt were difficult or of pecuilar interest.[12]

One historian who has examined the evidence concludes that McLean chose to attend summer sessions in Illinois, so that he and Pope presided together every summer, but at the winter sessions Pope sat alone. Their work load was further increased in 1848 when Congress provided that one annual term of the circuit and the district courts should be held at Chicago on the first Monday in July.

The jurisdiction of these courts changed with congressional legislation over the passing years. Here is how one historian of the lower federal judiciary explains the jurisdiction of the district courts and changes therein:

> The district courts were given jurisdiction over [federal] crimes where the punishment did not exceed thirty stripes, a fine of one hundred dollars, or a term of imprisonment of six months. This court had exclusive jurisdiction in admiralty of seizures under the import, navigation and trade statutes. It

> had concurrent jurisdiction with the circuit court where an alien sued for a tort based upon a violation of the law of nations or a treaty, where the federal government itself sued and the amount equaled $100 or less, and suits against consuls.
>
> From time to time Congress extended this jurisdiction, but at no time did it ever reach the importance of the circuit courts. In 1790, the district court was given jurisdiction over certain questions arising under patent law, and in 1800, a similar jurisdiction over bankruptcy cases. The understanding of many lawyers that the district court was primarily a criminal court is true to the same extent as many over-simplified statements. By an act of 1841, the district courts shared concurrent jurisdiction with the circuit courts over non-capital crimes. A study of the dockets after the passage of this act will substantiate the general observation that the major portions of the district court's business were admiralty and criminal cases.[13]

The circuit courts, which were the "chief trial courts of the system," possessed the following jurisdicition:

> The jurisdiction of the circuit court extended to all matters triable under the federal statutes, not reserved exclusively to the district courts. In addition, the circuit court had exclusive original jurisdiction in diversity of citizenship cases where the amount exceeded $500. It also had appellate jurisdiction from decisions of the district court.[14]

What kinds of cases were commonly tired in these federal courts? Here are Paul Angle's descriptions of five different types of cases that came before these courts:

> Criminal cases involving crimes against the federal government, oftimes by federal employees. ". . . at the June term, 1840, three mail robbers were tried, convicted and sentenced to the penitentiary, while at the same term a year later the postmaster and assistant postmaster at Carrollton were convicted of opening mail and taking out money. At the same term a former register of the Vandalia land office was convicted of theft--a victory which the government followed up at once by filing suit against his securities to recover the amount of his defalcation."[15]
>
> Public lands. "Cases involving the public lands frequently figure in the pages of McLean's Reports. the first Illinois case reported was United States vs. Gratiot,. . . . , in which the power of the federal government to lease lead mines within the limits of a state was presented for decision. United States vs. Magoon involved the removal of a large amount of lead

from government land, while in another trial at the same term--1843--the cutting of timber from the public domain was charged. Land office officials were frequently in trouble over account, and mail robbery was a common offense."[16]

Commerce and Finance. "On numerous occasions the court was called upon to decide questions of commerce and finance. Was the master of a lake vessel entitled to collect frieght on a shipment of goods from Buffalo to Chicago, when on account of ice part of the shipment was landed at Detroit, and the balance delivered at Chicago months after it was due? The question was presented in Bork vs. Norton, tried at the June term, 1841. Could the consideration paid for certain lots of ground be recovered, in view of the fact that a promise to convey the land by warranty deed had not been carried out? In Cooper vs. Brown, heard at the same term, the court decided that it could. Promissory notes, bills of exchange and partnerships were involved in many cases; others turned on the technical questions of pleading, evidence and jurisdiction."[17]

The Bankruptcy Act of 1841. "By 1841 the burden of debt [due to a depression] had become so heavy that a national bankruptcy act, the second in the country's history, was passed.

The earlier act, in force from 1800 to 1803, had been limited in its operation to merchants and traders, and had made no provision for voluntary bankruptcy, but in the act of 1841 both of these limitations were removed. Thousands took advantage of the provisions of the new law. The act went into effect on February 1, 1842. The four issues of the Sangamo Journal for February of that year contained notices of application for discharge from debts in 183 cases, and Pope announced that he would hold a special term of the district court in Springfield on the first Monday in March. As the year progressed, the applications increased in number until in December the Sangamo Journal was forced to issue a special four-page edition devoted entirely to bankruptcy notices.

Opposition to the law developed speedily, however. There was much complaint on the ground that it was an invasion of states rights, and debtors objected to the inconvenience of traveling to the seat of government for hearings. As a result, it was repealed at the end of a year's operations."[18]

Debt Collection. "Important factors contributing to the increased volume of litigation in the federal courts for Illinois were the panic of 1837 and the long period of stagnation which followed. Many a western merchant had paid off his year's stock with notes or bills of exchange which he was

unable to meet at maturity. Large numbers of eastern firms sued for collection, and the record books were filled with judgments. Among the victims were two members of Pope's own family--his son William, who had left the navy, and his son-in-law, Thomas M. Hope. On December 12, 1840, judgment was confessed on notes of the firms of Thomas M. Hope & Co. and William Pope & Co., and the father of the two principles assessed damages of $1,815.06 against them, and ordered executions to issue."[19]

By far the most well-remembered and colorful case tried in the Tinsley Building's federal courtroom was the extradition hearing of Mormon leader Joseph Smith, which took place during the district court's winter term in 1842-43. Here is historian Angle's account of events leading up to that hearing:

> In 1838 the Mormons, after having been expelled from Ohio and then Missouri, took refuge in Illinois. There, at Nauvoo in Hancock County, they soon built a flourishing settlement. Politicians of both parties, anxious to curry favor, enabled them to obtain charters of such liberality that they became practically independent of higher authority. Gradualllly the good will which had originally greeted them turned to distrust. By participating en masse in politics they aroused active antagonism. During the summer of 1842, throughout the contest for state officers, rumors of all sorts were in circulation. Numerous thefts and robberies were charged against them, and many believed that they planned to overthrow the government when their stength should be great enough. The Whigs, angered by the Mormons' recent support of the Democratic party, eagerly gave circulation to such gossip. In Springfield the Sangamo Journal filled its columns with anti-Mormon tirades.
>
> A few months later Springfield found itself, for a few days, the focus of the Mormon question. Since 1840 attempts had been mde to extradite the Mormon leaders to Missouri, to stand trial there for alleged participation in an attempt to assassinate the governor of that state. Finally, in December, 1842, Governor Ford issued a warrant for the arrest of Joseph Smith, the Mormon leader.[20]

Chicago lawyer Isaac Arnold was one of those present at the ensuing trial, and here is Arnold's colorful recollection, written four decades later:

> In December 1841, Governor Ford, on the application of the Executive of Missouri, issued a warrant for the arrest of Joseph Smith, the Apostle of Mormonism, then residing at Nauvoo, in this State, as a fugitive from justice. He was charged with

having instigated the attempt, by some Mormons, to assassinate Governor Boggs, of Missouri. Mr. Butterfield, in behalf of Smith, sued out, from Judge Pope, a writ of habeas corpus, and Smith was brought before the United States district Court. On the hearing, it clearly appeared that he had not been in Missouri, nor out of Illinois, within the time in which the crime had been committed, and if he had any connection with the offense, the acts were done in Illinois. Was he, then, a fugitive from justice? It was pretty clear that, if allowed to be taken into Missouri, means would have been found to condemn and execute him. The Attorney-General of Illinois, Mr., Lamborn, appeared to sustain the warrant; Mr. Butterfield, aided by B. S. Edwards, appeared for Smith, and moved for his discharge. The Prophet (so-called) was attended by his twelve Apostles and a large number of his followers, and the case attracted great interest. The court room was thronged with prominent members of the bar, and public men. Judge Pope was a gallant gentleman of the old school, and loved nothing better than to be in the midst of youth and beauty. Seats were crowded on the Judge's platform, on both sides and behind the Judge, and an array of brilliant and beautiful ladies almost encircled the Court. Mr. Butterfield, dressed a la Webster, in blue dress-coat and metal buttons, with buff vest, rose with dignity and amidst the most profound silence, pausing, and running his eyes admiringly from the central figure of Judge Pope, along the rows of lovely women on each side of him, he said:

> 'May it please the Court:
>
> I appear before you to-day under circumstances most novel peculiar. I am to address the "Pope" (bowing to the Judge) surrounded by angels (bowing still lower to the ladies), in the presence of the holy Apostles, in behalf of the Prophet of the Lord.'

Among the most lovely and attractive of these 'angels,' were the daughters of Judge Pope, a daughter of Mr. Butterfield, Mrs. Lincoln, Miss Dunlap, . . . , and others, some of who still live, and the tradition of their youthful beauty is verified by their lovely daughters and grand-children.[21]

The following day, Judge Pope ruled in favor of Smith, and the Mormons returned to Nauvoo.[22]

Lincoln's practice in the federal courts of Illinois has been the subject of several studies, the best of which is still the following article written by Benjamin Thomas shortly after transcripts of Lincoln's

early federal court cases were discovered in Springfield's Federal Building. Thomas begins by explaining the significance of their discovery and goes on to discuss what can be surmized from them about Lincoln's federal court practiace during the years that the courts were meeting in the Tinsley Building:

Source: Benjamin P. Thomas, "Lincoln's Earlier Practice in the Federal Courts, 1838-1854," Bulletin of the Abraham Lincoln Association, #39 (June 1935): 3-9

Two features of the courtroom reflect Seth Tinsley's original intent in erecting this building for use as a store. There is a trap door in the ceiling leading up to Lincoln's third-floor office, and there was originally a long rectangular hole in the floor immediately behind the front courtroom railing. This hole is now marked by a rectrangular strip of floor boards running at right angles to the rest of the floor. The ceiling trap door and rectangular hole in the floor were features common in store buildings such as this. They made it possible to hoist merchandise from first to second or third floors by way of a pulley system located in the attic.[23]

Lincoln's last partner, William Herndon, recounted a story that turns on a trap door connnecting Lincoln's office with a courtroom below. In this case, Herndon was referring to Lincoln's first law office in Hoffman's Row, in which he and John Todd Stuart practiced:

> It was during this same canvass that Lincoln by his manly interference protected his friend E. D. Baker from the anger of an infuriated crowd. Baker was a brilliant and effective speaker, and quite as full too of courage as invective. He was addressing a crowd in the courtroom, which was immediately underneath Stuart and Lincoln's office. Just above the platform on which the speaker stood was a trap door in the floor, which opened into Lincoln's office. Lincoln at the time, as was often his habit, was lying on the floor looking down through the door at the speaker. He was in the body of the crowd. Baker was hot-headed and impulsive, but brave as a lion. Growing warm in his arraignment of the Democratic party, he charged that 'wherever there was a land office there was a Democratic newspaper to defend its corruptions.' This angered the brother of the editor of our town paper, who was present, and who cried out, 'Pull him down,' at the same time advancing from the crowd as if to square himself for resistance. A shuffling of feet, a forward movement of the crowd, and great confusion followed. Just then a long pair of legs were seen dangling from the aperture above, and with his hands for silence and not succeeding, he seized a stone water-pitcher standing near by,

threatening to break it over the head of the first man who laid hands on Baker. 'Hold on, gentlemen,' he shouted, 'this is the land of free speech. Mr. Baker has a right to speak and ought to be heard. I am here to protect him, and no man shall take him from this stand if I can prevent it.' His interference had the desired effect. Quiet was soon restoired, and the valiant Baker was allowed to proceed. I was in the back part of the crowd that night, and an enthusiastic Baker man myself. I knew he was a brave man, and even if Lincoln had not interposed, I felt sure he wouldn't have been pulled from the platform without a bitter struggle.[24]

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Lincoln's Earlier Practice in the Federal Courts

1839-1854

By BENJAMIN P. THOMAS

UNTIL two years ago, the records of Lincoln's cases in the Federal Courts of Illinois prior to 1855 were believed to have been lost. The reason for this belief was the fact that in accordance with the provisions of the Act of Congress of February 13, 1855, which divided Illinois into Northern and Southern Federal judicial districts, all records and files of cases tried before that date were removed to Chicago, in the Northern District, and were subsequently destroyed in the great fire of 1871.

On April 23, 1856, however, Congress passed another act authorizing the clerk of the Southern District to prepare, under the direction of the judge of that District, transcripts "of all such matters and proceedings as relate to or concern titles to real estate or causes originating in that part of the State of Illinois included within said southern district aforesaid."

In our *Quarterly Bulletin* for March, 1933, we announced that in examining the records in the Federal Building at Springfield we had by chance found these transcripts. While they contain by no means all of Lincoln's earlier cases in the Federal Courts, from them and other sources we can secure considerable information concerning his practice in those courts prior to 1855.

On March 3, 1819, about a year after Illinois' admission as a state, Congress established the state as a Federal judicial district. One judge presided over its court, which held two annual sessions at Vandalia, the state capital.

The district courts had jurisdiction over all crimes and offenses cognizable under the authority of the United States in which the punishment did not exceed $100 fine or imprisonment for more than six months, or whipping in excess of thirty stripes.

They also tried suits between citizens of different states, suits brought by aliens for torts in violation of Federal or international law or treaty stipulations, suits at common law brought by the United States or an officer thereof in which the claim or debt involved did not exceed $100 and other miscellaneous types of cases.

From 1819 to 1837 the Illinois District Court also had jurisdiction of all causes, except appeals and writs of error, which were cognizable by the Federal Circuit Courts. These courts had jurisdiction over a wide variety of cases coming under Federal law. On March 3, 1837, however, these powers of the District Court were revoked, and the Seventh Judicial Circuit, embracing the districts of Ohio, Indiana, Illinois and Michigan was established. The circuit courts for this and other districts were presided over by the Chief Justice or one of the Associate Justices of the United States Supreme Court. On August 23, 1842, Congress again increased the powers of the district courts by giving them concurrent jurisdiction with the circuit courts of all crimes and offenses against the Federal government except those punishable by death.

Lincoln's earliest contact with the Federal courts was at Vandalia. There, as a member of the Legislature, he no doubt visited the courtroom, listened to the trial of cases and became acquainted with the judges and the lawyers from various parts of the state who came there to practice.

In 1839, when the state offices were moved to Springfield, the Federal Courts also changed their place of meeting to the new capital. On December 3 of that year Lincoln was admitted to practice before them. As yet there was no Federal Building, and the courts held their sessions in rented quarters on the second floor of the Tinsley Building, on the southwest corner of Sixth and Adams Streets. There, for fifteen years, Lincoln tried his Federal cases, and from 1844 to 1849 his office was located on the third floor of the same building.

With the growth of the northern part of the state, an increasing amount of litigation originated in that section. As the number of Federal cases grew, Chicago lawyers found it increasingly inconvenient to come to Springfield to try them. Consequently, on May 9, 1848, Congress provided that the Federal courts should hold an annual session at Chicago on the first Monday in July. On March 3, 1851, it provided that two terms—one on the first Tuesday in October, the other on the third Tuesday in April—should be held there, and that in addition special terms might be held there if the district judge so ordered. The regular sessions at Springfield which, since 1838, had been held on the first Monday in June and December, were changed to the first Monday in July and the third Monday in December. Finally, on February 13, 1855, the state was divided into two districts, as before mentioned, with Hancock, McDonough, Peoria, Woodford, Livingston, Iroquois and the counties north of them constituting the Northern District, and the counties south of them forming the Southern District.

The first judge of the District Court of Illinois was Nathaniel Pope, who was appointed on March 3, 1819, and served until his death on January

22, 1850. He was succeeded by Thomas Drummond, who served until 1855, when the law which divided the state into two districts assigned him to the Northern District, and stipulated that a new appointee should be selected for the Southern District. Samuel H. Treat was appointed to the latter district. The circuit judge for the Seventh Circuit during this period was Associate Justice John McLean.

In the Federal Courts, as on the Circuit, Lincoln was a favorite with the bench. His relations with Judge Pope as well as the character of the judge were described by Judge Anson S. Miller, of Rockford, whose reminiscences were published by Moses Coit Tyler in the New York *Independent* of March 19, 1868. "I often met Mr. Lincoln, many years ago," Judge Miller recalled, "in the United States District Court, presided over by Judge Nathaniel Pope, the father of Gen. John Pope, so renowned in the late war and since. This Judge Pope was a most remarkable man, one of the patriarchs of Illinois; and it used to seem to me that Lincoln was an idol with him. The Judge was a strong, original character. He had a head like a half-bushel, with brain enough for six men. He was learned, but rough and gruff. He had a wonderful knowledge of human nature, and was utterly without fear. Gen. Pope has many of his father's qualities; and these qualities have made him the bold energetic soldier and the indomitable administrator. They say that the General has a sort of genius for swearing. Well, he comes by it honestly. His father had the gift of speaking decidedly plain English, even in court. . . . I have said that Judge Pope loved Lincoln. His affection for Lincoln was very marked. He would snub Logan. He didn't like Col. Baker. He was what Dr. Johnson calls a good hater. In fact, he was strong in everything—his likes and his dislikes. Lincoln was one of his likes. He told me that he thought Lincoln a very able and promising man. The Judge was rough toward everyone; but his roughness toward Lincoln had a touch of tenderness in it. He would sometimes rebuke him, but in a sort of fatherly way. I remember that once Judge Pope called a case in which Lincoln was engaged; but Lincoln did not answer. He called again; no answer. 'Where's Lincoln?' roared the Judge in his severe fashion; 'why don't he attend to his business?' Soon Lincoln came shambling into court. 'O, Mr. Lincoln, you've come at last, have you? Well, I've been calling for you a long time.' Many persons wondered at the favor shown to John Pope by Mr. Lincoln during the war. I understood it. Mr. Lincoln remembered John Pope's father with gratitude and reverence; he knew John Pope too. He knew that he was made of good stuff, as indeed he is. We had no better soldier than Pope. It was treachery in the rear, not the enemy in front, that defeated him. Lincoln understood the sort of roar in John Pope's proclamations which many people thought gasconade. That roar he got from his gruff old father; it was the roar of the lion, and Lincoln had heard it a thousand times. It was the most natural thing in the world for Lincoln to stand up for Judge Pope's son."

Twenty-nine cases in which Lincoln was retained prior to 1855 appear in

the transcripts of the records of the Federal courts. Twenty-two of these involved the collection of debts. Lincoln represented the plaintiffs in eighteen and the defendants in eleven. He won nineteen (ten by default or dismissal), lost six, and settled three by agreement. The outcome of one is undetermined. He was associated with Stuart in two cases, Logan in eighteen, Browning and Bushnell in three, and Herndon, Williams and Lawrence and J. G. Taylor in one each. Opposed to him in various cases were William Brown, Robbins and Welles, Purple, E. D. Baker and Bledsoe, D. J. Baker, Williams and Lawrence, Logan, Stuart and Edwards, and Peters.

His first Federal case was Hooper, Martin and Smith *v.* Benjamin Haines, surviving partner of B. Haines & Son. The case was instituted in the circuit court on October 19, 1839, when, on Stuart and Lincoln's motion, a summons was issued on a plea of trespass on the case. This was about six weeks before Lincoln's formal admission to practice in the Federal courts. On November 9, Stuart and Lincoln filed a declaration alleging the failure of the partnership to pay a promissory note for $567.28 and a further debt of $12.63. On December 5, two days after Lincoln's formal admission to practice, the defendant defaulted and the plaintiffs were awarded damages of $626.82 and costs.

While many of Lincoln's Federal cases were of the routine, hum-drum sort, some of them have more than ordinary interest. In 1841, for instance, he and Logan represented the defendant in an interesting chancery case, Robinson *v.* Martin. They were opposed by Robbins and Welles. On June 18 the complainant filed his bill, alleging that he came from Indiana to Illinois in 1839 to avoid the "milk sickness." He purchased 364 acres of land in Sangamon and Christian counties from the defendant on his assurance that no milk sickness existed there. He paid $725 cash and agreed to pay $1,068.75 on March 1, 1841, and $468.75 on March 1, 1842, 1843 and 1844. He defaulted on his first note, and the defendant sued and secured judgment for the amount due.

Logan and Lincoln filed their answer on August 23. They claimed that the defendant had informed the complainant that milk sickness had occurred in the neighborhood but that he had never known anything of the sort on his place, and that he did not induce the complainant to make the purchase on the assurance that milk sickness did not exist in the neighborhood. They stated that the defendant believed the complainant alleged the existence of milk sickness "to get rid of a bargain which he has got tired of," for he had offered to "pay up" if the defendant would deduct $1,000 from the purchase price and "this defendant does not doubt that if he had deducted the thousand dollars it would have relieved all complainant's apprehension about milk sickness."

The case was finally settled by agreement on December 14, 1842, when the contract was rescinded and the complainant ordered to recover the land. Each party paid his own costs.

Another interesting case in the Circuit Court was Clark *v.* Stigleman *et al.*, an action for $10,000 damages for infringement of patent rights to an improvement on a portable circular

sawmill. Logan, Stuart and Edwards were attorneys for the plaintiff, while Lincoln represented the defendants. Summons was issued on May 26, 1854, the declaration was filed on July 3, and the case was decided on October 10, 1855, when a jury found for the plaintiff and assessed his damages at $2,700 and costs. Technically Lincoln lost the case; but the damages awarded were less than a third of the amount sued for.

An important case in which Lincoln was counsel was Bank of Missouri *v.* A. G. Caldwell, E. Z. Ryan, D. A. Smith and George Dunlap, assignees of the Bank of Illinois at Shawneetown. This bank, which was created by the second State Legislature was suspended in 1823, revived in 1834 and finally ordered to liquidate in 1843. On December 30, 1850, Browning, Bushnell, Williams and Lawrence, representing the complainant, filed a bill in chancery in the United States Circuit Court accusing the defendants of negligence, unfaithfulness and disregard of the interests of the creditors in liquidating the assets of the bank. They asserted that the complainant was a creditor of the bank in the amount of $109,000 payment of which had been refused, and prayed the court to appoint either a receiver or a trustee to take over the liquidation in place of the defendants.

In compliance with their petition, on January 1, 1851, the court appointed William Thomas sole trustee.

Lincoln entered the case on October 28, 1852, when he, Logan and Williams filed an amended bill alleging that in 1837 the bank made a loan to the Trustees of Shawneetown to grade and pave the river bank along the town and that the owners of certain lots in the town executed mortgages to the bank as security. They asserted that principal and interest on these notes were in default to the amount of $38,311.29 and prayed that the owners be required to pay the amounts chargeable against them.

On January 1, 1855, Eleanor Caldwell, executrix of A. G. Caldwell, filed an answer to the complainant's bill, showing the receipts and disbursements of Caldwell as assignee and claiming a balance due her of $2,193.85. Lincoln and Logan filed a replication on the 25th, and two days later secured the appointment of an auditor to check Caldwell's accounts. The auditor reported on July 16. Two days later Logan and Lincoln filed exceptions to his report and were given leave to take further testimony.

On January 23, 1856, the clerk having revised the auditor's report to make it conform to Logan and Lincoln's exceptions, it appeared that Caldwell's estate owed the bank $9,370.50 and the trustee of the bank owed the estate $3,943.70. The court ordered these amounts adjusted. The transcript of the record is incomplete, for the only additional information given is under date of June 15, 1858, when the trustee's report was filed and accepted.

Considerable data to supplement that found in the transcripts can be secured from other sources. For example, newspapers and Lincoln letters show that Lincoln was employed in several other patent cases beside Clark *v.* Stigleman, *et al.* On July 8, 1850, the Chicago *Daily Journal* reported that Lincoln had arrived the day before "to attend to duties in the U. S. Dist. Court now in session in this city." The Springfield papers

reported his return home on July 30, one day after the court adjourned, so he was present almost the entire session. The court was occupied during most of the term with the case of Z. Parker *v.* Charles Hoyt, a suit for an infringement of patent in the construction of a water wheel. The newspapers contain no evidence of Lincoln's connection with this case but from a letter written by Lincoln at Springfield, on March 28, 1851, to the firm of Browning and Bushnell of Quincy, we can establish his connection with this as well as other patent cases. "Your letter is received," he wrote, "I have made the arrangement to use the Hoyt evidence in the other patent cases. The new Act of Congress provides that all cases begun here shall be tried here and not go to Chicago at all. All our Patent cases were begun here . . . So no trouble is created in our Patent cases by the new law."

At the December term, 1851, Lincoln had a case of extraordinary interest because of its similarity to Hurd *et al v.* Railroad Bridge Company—the famous "Effie Afton" case—which he tried at Chicago in 1857. On December 20, 1851, the *Register* reported: "U. S. Circuit Court.—The most of the time of the court yesterday and today has been consumed in the argument of the following case:

"Columbus Insurance Co. *v.* Curtenius *et al*—Plaintiff sues defendants, stockholders of the Peoria Bridge Company, for damages sustained by them as insurers of a canal boat and cargo, sunk by striking a pier of the bridge in the principal channel of the Illinois river. Defendants plead an act of the legislature of Illinois authorizing the construction of the bridge. Plaintiffs demurred to the pleas. The pleas raised the broad question as to the power of a state to authorize a total obstruction of a navigable stream running within its territorial limits. Chumasaro and Lincoln for plaintiffs. Powell and Logan for defendants. The cause has been submitted to the court and is under advisement."

Judge Drummond's decision was reported in the *Register* of January 27: "The point involved," it said, "was the right of the legislature to pass laws authorizing obstructions to the navigation of the Illinois. The effect of the decision of the court is adverse to any such right on the part of the state and maintains the position that navigation of that river must ever remain free, clear and uninterrupted. The only question now remaining in the case, is whether the Peoria bridge is in fact, an obstruction to navigation. This will hereafter be settled by testimony on trial."

The papers contain no further reference to the case, but Judge McLean's *Reports* show that after this, at the same term, the Peoria Bridge Association was substituted as defendant and the question as to whether the bridge was an obstruction was argued by Lincoln and Chumasaro for the plaintiffs and Logan, Powell and Peters for the defendant. The jury, unable to agree, was finally discharged, and the suit was compromised.

Thus we find that four years before the trial of the "Effie Afton" case Lincoln was engaged in a case in which the facts and question at issue were practically identical with those in the more famous suit. In this case, however, he opposed the bridge inter-

ests, whereas in the later case he defended them. No doubt the experience and knowledge gained in this case was of material assistance to him when he later tried the "Effie Afton" suit.

The *Diary of Orville Hickman Browning* also contains information on Lincoln's practice in the Federal courts, for Lincoln and Browning were associated in the trial of several cases. On July 12, 1852, for example, Browning made the following entry: "Attending [U. S.] Court. Commenced trial of [William] Williamson, formerly Postmaster at Lacon who is indicted for robbing the mail. I am assisting Lincoln at his request." Williamson was accused of having stolen a package containing $15,000 in bank notes.

The following day Browning recorded: "Argued case against Williamson. The evidence was very strong. Almost convincing. I was so discouraged that I wished to decline a speech, but at the persuasion of Lincoln addressed the jury for something over two hours. The case was given to them at 4 P. M. and they are yet out at 9. The defendant is a young man, who lost a leg in the Mexican war, and does not look to be very bright. Is a total stranger to me, and I believe him to be guilty, but wish him acquitted. My sympathies are awakened. I am sorry for the poor devil."

On July 14, Browning noted: "Jury found Williamson guilty. Will yet try to arrest judgment but have not much hope." His and Lincoln's efforts were unavailing, for on the following day the court sentenced Williamson to ten years in prison.

The United States Supreme Court *Reports* contain two Lincoln cases which were appealed from the United States Circuit Court for the District of Illinois. The first, William Lewis, for use of Nicholas Longworth *v.* Thomas Lewis, administrator of Moses Broadwell (7 *Howard,* 776), involved the construction of the Illinois statute of limitations as applied to suits brought by non-residents. Lincoln represented the plaintiff. The Supreme Court decided for the defendant.

The second case was Forsyth *v.* Reynolds (15 *Howard,* 358), a chancery case involving title to certain real estate in Peoria. Salmon P. Chase and Norman H. Purple were attorneys for the appellant, while Lincoln was on the side of the appellee. At the December term, 1853, the Supreme Court reversed the decision of the Federal Circuit Court.

While it does not necessarily follow from the fact of Lincoln's being retained in these cases in the Supreme Court that he also handled them in the circuit court, the probability is that he did so.

Thus, although the records of Lincoln's earlier Federal cases, as here presented, are far from complete, enough data is available to show that even during his thirties and early forties he got his fair share of business in the United States courts. Most of his cases had to do with the collection of debts, but he was also retained in a number of patent suits and sometimes handled criminal cases. He was associated with and opposed by the leading lawyers of his district. And in respect of volume and importance of business and number of cases won and lost his record compared favorably with that of the other leaders of the bar.

Station #8: Judge's Chambers

Theme

Three federal judges--Nathaniel Pope, Thomas Drummond, and John McLean --occupied this office at one time or another during the semi-annual session of the federal courts.

Material Support

--Locations of the judge's chambers between the courtroom and the federal clerks office.

This room was most likely used as an office by the judge or judges presiding at semi-annual federal court sessions in the adjoining courtroom. Two different federal courts convened here for sessions in mid-winter and mid-summer--the United States District Court for the State of Illinois and the United States Circuit Court for the District of Illinois. Nathaniel Pope, Thomas Drummond, and John McLean were the judges who served here while the courts were in this building (1841-1855).

The federal district court covered the entire state. Not until 1855, when the courts moved from this building, was Illinois divided into two districts. The first judge to preside over sessions of the federal district court meeting here was Nathaniel Pope (1789-1850), one of the founding fathers of Illinois. A college-educated attorney who had settled at Kaskaskia, where he practiced law, speculated in land, and dabbled in politics. As territorial delegate to the U. S. Congress, he helped secure the admission of Illinois to the Union in 1818, and in 1819 Pope was appointed judge of the United States District Court for Illinois. He was the first federal district court judge in Illinois and for many years also the only one. Pope began his career on the federal bench while the state capitol was located at Kaskaskia. In 1820 the courts moved with the capitol to Vandalia and in 1839 to Springfield, where the federal courts met for a time in a local church. Pope began holding district court in this building in 1841. Blunt and plain-spoken, he was considered "pretty severe upon the lawyers who practiced in his court." An associate remembered Pope as "stern and unbending" on the bench and "sometimes a little too blunt." He supposedly dismissed one counsel's argument with--"This is truly preposterous." But Pope's integrity was evidently unquestioned. "He hated all shams; his eminently clear and discerning mind saw through a case at once," recalled one attorney.

When Pope died in 1850, President Taylor appointed Galena attorney Thomas Drummond (1809-1890), mostly on the recommendation of Lincoln's friend Edward D. Baker and over the objection of several prominent Illinois Whigs. By the time of Drummond's appointment, district court sessions were also being held in Chicago, and when, in 1855, the state was divided into northern and southern districts, Drummond became presiding judge of the northern district at Chicago, where he served until his retirement in 1884. Records of the federal courts that convened in this building went, in 1855, with Judge Drummond to Chicago and were destroyed by the great fire in 1871. As a result, our knowledge of the federal courts in this building is limited to what can be gleaned from newspaper accounts, published federal reports, transcripts preserved by chance in other files, and a scattering of other records.

Also meeting in this buildings was the United States Circuit Court for the District of Illinois presided over by a district court judge and an associate justice of the United States Supreme Court. John McLean (1785-1861) was the Supreme Court judge who convened circuit court in the building each summer, sitting concurrently with Pope or Drunmmond. Illinois belonged to the seventh federal circuit, for which McLean was responsible, and he traveled between two and three thousand miles each year meeting his responsibilities. "He was not a great judge but his decisions on the circuit were seldom reversed and he was not often in the minority in the Supreme court," writes on biographer.

Appended to this station summary are biographies of Pope, Drummond, and McLean.

Thomas Drummond (1809-1890):

Thomas Drummond was born October 16, 1809, in Bristol, Maine. At this place James Drummond, father of Judge Drummond, was born and spent his the tumults of the rebellion period he never permitted any political consideration to influence him. In early life a Whig, he was on the bench when the Republican party came into existence, and, though he upheld its principles to the end of his life, his political conviction was never made apparent in his conduct as a judge. He held the most exalted conception of the judicial office, and his constant aim was to dispense justice with the most religious regard to the rights of every interest involved. When he laid off the judicial robe, unspotted after wearing it more than a generation, it added luster to the high office to which it belonged, and his name took its place in the legal history of the west as that of one of its best and greatest characters.

Though interested in letters, art and science, Judge Drummond did not cultivate them with any ambition to shine through their mastery, but only so far as they might be helpful in elucidating or simplifying the philosophy or the application of the law. Perhaps a year before his death his infirmities compelled him to relinquish even the semblance of work. Although well advanced in his eighty-first year, he retained his faculties unclouded to his last hour, and his death occurred at his home at Wheaton, May 15, 1890. He was buried from St. James church, Chicago, four days later, and thousands of people came in all sincerity to pay their last tribute of respect to the honored dead. In religion Judge Drummond was an Episcopalian. He married, in 1839, Delia A. Sheldon, of Willow Springs, Wisconsin. They had two sons and five daughters.

Arthur Henry Chetlain was born in Galena, Illinois, in 1849, and is descended from a notable ancestry. His father, General Augustus L. Chetlain, is a Huguenot, of French-Swiss extraction, his parents having emigrated to America from the canton of Neufchatel, Switzerland, in 1821. They came by way of Hudson bay to the Red river of the Selkirk settlement of British America, thence to St. Louis, Missouri, in 1823, and in 1826 to the then celebrated lead mines at Galena, where the old homestead was founded. In that locality General Chetlain was reared and became the first commander of the regiment raised by General Grant. He participated in all the battles of his division in the war of the Rebellion, and when hostilities had ceased was brevetted major-general of volunteers. During President Grant's administration he was appointed United States consul to Brussels, Belgium. He was the founder and first president of the Chicago Home National Bank, and has been a prominent figure in business and military circles for years.

Reared in his native city, Judge Chetlain acquired his preliminary education in its public schools and then entered the University of Wisconsin, where, on the completion of a two-years course, he was graduated with the degree of Bachelor of Arts. In Brussels, Belgium, he completed the full course in natural science in the "Universite Libre" and won the degree of Bachelor of Science. After his graduation at that institution he served as a bearer of dispatches between the American legation of Paris, France, and the United States authorities in London, England, during the Franco-Prussian war.

Returning to his native land in February, 1871, Judge Chetlain took up the study of law in the office of William Lathrop, of Rockford, Illinois, and on

entire life. He was a sailor, as well as a farmer, and the early life of his son was spent amid surroundings that eminently fitted him for the admiralty practice in which he gained such marked distinction. James Drummond was a man of superior intelligence, and for several years was the representative of his town and county in the state legislature. He married a daughter of Henry Little, of New Castle, Maine. Thomas was the eldest of their four children.

After mastering the preliminary branches, Thomas Drummond entered Bowdoin College, where he was graduated in 1830. Immediately after his graduation he began the study of law and was admitted to practice at the Philadelphia bar in March, 1833. Mr. Drummond soon gained recognition at that bar and entered upon a quite promising practice, which he handled with so much ability that his older colleagues predicted for him a brilliant future. In May, 1835, he determined to remove to Illinois, and soon established himself at Galena, where he gained a wide repute for the solidity of his attainments. During the fifteen years that he remained at that bar he was engaged in a large number of the most important cases tried in northern Illinois. He represented the Galena district in the Illinois legislature in 1840-41, and never thereafter occupied a political office.

Mr. Drummond was appointed judge of the United States district court of Illinois, in February, 1850, and held his first term of court in Springfield in June and in Chicago in July of the same year. When he was first called to the bench the labors of his position were considered arduous, but the rapid development of Chicago's marine interests, the large increase in patent litigation and the general extension of the commercial and material resources of the state caused an immense increase in the business of his court. Besides presiding in the district court, he sat as circuit judge in the transaction of nearly all the business of that court during the first ten years of his occupancy of the district bench, and in consequence his duties were onerous in the extreme.

Judge Drummond removed to Chicago in 1854. In 1855 the southern district of Illinois was organized, leaving the northern district as the original district, with Judge Drummond as the presiding judge, and over which he presided for fourteen years. December 22, 1869, President Grant appointed him judge of the circuit court of the United States for the seventh judicial district, comprising the states of Illinois, Wisconsin and Indiana. As circuit judge, he held court in three different places in Indiana, four in Wisconsin and two in Illinois, but the greater portion of his time was spent in Chicago, where the most important litigation of the northwest is concentrated.

The long and honorable judicial career of Judge Drummond was closed in 1884 by his voluntary retirement from the bench at the age of seventy-five. On his farm near Wheaton, a short distance from Chicago, he found needed relaxation, but his old associations drew him to his office in the federal building in Chicago almost daily.

Source: John M. Palmer, The Bench and Bar of Illinois, Vol. I, (Chicago: The Lewis Publishing Company, 1899).

John McLean (1785-1861):

McLEAN, JOHN (Mar. 11, 1785–Apr. 4, 1861), congressman, postmaster-general, jurist, was born in Morris County, N. J., the son of [illegible] and Sophia (Blockford) McLean. His parents came to America from Ireland, the father being descended from the Scottish clan of McLean. A weaver by trade, he became a farmer, but having a large family and being limited in means, he soon decided to go West. In 1789 the family moved to Morgantown, Va., then to Jessamine, near Nicholasville, Ky., thence to Maysville, Ky., and finally, in 1799, settled on a farm near Lebanon, in what is now Warren County, Ohio. During these wanderings young McLean's education suffered. He attended school as opportunity offered and as the pressing needs of the family permitted. Determined to get further instruction, he worked for wages and at sixteen was able to hire private tutors. Two years later he went to Cincinnati, where he was formally indentured for two years to the clerk of the Hamilton County court. By working part of the day in the office he was able to support himself. Meanwhile, he read law with Arthur St. Clair, one of the best counselors in the West, and the son of General St. Clair. He also joined a debating club, in which he acquired facility of expression.

In 1807 he was admitted to the bar. The same year he married Rebecca Edwards and moved to Lebanon, where he founded the *Western Star*, a weekly newspaper. Commencing to practise in Lebanon, he soon won recognition by his industry and scrupulous care. In October 1812 he was elected as a War Democrat to Congress from the Cincinnati district, which then included Warren County. He was reëlected in 1814 "by the unanimous vote of all the electors who took part in the election. Not only did no one vote against him, but also no one who voted for any office at the election, refrained from voting for him" (Force, *post*, 271–72). He vigorously sponsored the war with England and advocated bills to indemnify persons for property lost in the public service, to grant pensions to officers and soldiers, and to pay congressmen a salary of $1500 per annum instead of the per diem allowance. In 1815 he declined to be a candidate for the United States Senate. The following year he resigned his seat in Congress to become judge of the supreme court of Ohio, to which office he had been elected by the state legislature. He remained upon the bench until 1822, when President Monroe appointed him commissioner of the land office. The next year he was made postmaster-general, and in the direction of this office he acquired a national reputation as an able administrator. Heretofore, this branch of the public service had been inefficient and disorganized. Under his management contractors were held to their agreements and incompetent and unfaithful officials were removed. He was reappointed by President J. Q. Adams

and, it is claimed, used his official position to work against the reëlection of his superior (Bassett, *post*, II, 412, 413). McLean was not in sympathy with President Jackson's policy as to removals, and, after declining the portfolios of secretary of war and secretary of the navy, he was nominated by Jackson to be associate justice of the United States Supreme Court. His appointment was confirmed by the Senate on Mar. 7, 1829. "It is a good and satisfactory appointment," wrote Joseph Story, "but was, in fact, produced by other causes than his fitness or our advantage. The truth is . . . he told the new President, that he would not form a part of the new Cabinet, or remain in office, if he was compelled to make removals upon political grounds" (W. W. Story, *post*, I, 564). He was assigned to the seventh circuit, which then included the districts of Tennessee, Kentucky, and Ohio; later, the districts of Ohio, Indiana, Illinois, and Michigan. He took his seat in January 1830 and served until his death. On the bench he was dignified, courteous, painstaking, fearless, and able. Not until his health began to fail, two years before his death, was he absent a single day from his duties. He was not a great judge but his decisions on the circuit were seldom reversed and he was not often in the minority in the Supreme Court. In the celebrated Dred Scott case he dissented from the majority of the court and rendered an opinion of his own, which defined his position upon the slavery question (19 *Howard*, 558, 559). He held that slavery had its origin merely in force and was contrary to right, being sustained only by local law.

During his term on the bench he was frequently mentioned as a possible candidate for the presidency. He maintained that a judge was under no obligation to refrain from the discussion of political affairs and steadfastly defended the propriety of his candidacy. He declined the nomination in the Anti-Masonic Convention of 1831, and was proposed as a candidate by the Ohio legislature in 1836. His name was considered by the convention of "Free Democracy" in 1848 and was before the Whig Convention in 1852. In the Republican Convention of 1856 he received 196 votes, and, although seventy-five years of age, he still hoped for the nomination in the Republican Convention of 1860.

His first wife, by whom he had four daughters and three sons, died in December 1840, and three years later he married Sarah Bella Garrard, widow of Col. Jephtha D. Garrard and the youngest daughter of Israel Ludlow.

[M. F. Force, in *Memorial Biogs. of the New-England Hist. Geneal. Soc.*, vol. IV (1885); Charles Warren, *The Supreme Court in U. S. Hist.* (1922); W. W. Story, *Life and Letters of Joseph Story* (1851); Bassett, *Andrew Jackson* (1911); B. P. Poor, *Poor Reminiscences* (1886); *Biog. Dir. Am. Cong.* (1928); 66 *U. S. Reports* (1 *Black*), 8–13; F. H. Hodder, "Some Phases of the Dred Scott Case," in *Mississippi Valley Hist. Rev.*, June 1929; *Cincinnati Commercial*, Apr. 5, 1861; *Cincinnati Gazette*, Apr. 5, 1861.] R.C.L.

Source: The Dictionary of American Biography

NATHANIEL POPE, 1784–1850

A MEMOIR

By Paul M. Angle

Except for a few short paragraphs in biographical dictionaries, Nathaniel Pope is forgotten. Yet he inaugurated territorial government in Illinois and held a responsible position under that government; he secured the admission of the state to the Union; he served long and honorably as its representative on the federal judiciary; and as an official and a man he won and held the respect of his contemporaries. Certainly these were achievements of sufficient importance to justify a later generation in recording what he did, and what he was, before the faint reflections of his life have faded entirely.

I

Born in 1784, Nathaniel Pope was of the sixth generation of his family in America. Nearly a century and a half before his birth—in 1635, or possibly 1636—another Nathaniel Pope sailed from western England to the infant colony of Maryland. Establishing himself at St. Mary's, he quickly became a man of influence. Possessing capital, he exported the colonists' produce, imported their necessities, became the wealthiest man in the Hundred, and sat in the House of Burgesses for two terms.

All went well until the Kent Islanders revolted against the rule of the Calverts. In some way Pope became involved, or came under the suspicion of involvement. In any case, in 1647 he sold his St. Mary's home to the governor, and two years later established himself on Mattox Creek in the Appomattox section of Northumberland County, Virginia. Soon he was commissioned justice of the peace, and when the new county of Westmoreland was formed in 1653, he was given the same office under its government. Two years later he was appointed lieutenant-colonel of the county militia.

In Virginia, as in Maryland, he attained wealth. Altogether, he owned more than 3,500 acres of Virginia land, including a tract called "The Cliffs" where stood the plantation on which

Robert E. Lee was born in 1807. At his death in 1660 he was the possessor of sixteen white indentured servants and a large amount of personal property. "Lieutenant Colonel Nathaniel Pope," wrote Charles Arthur Hoppin in his exhaustive volume, *The Washington Ancestry*, "was one of the few in whose hands rested the authority of local government, the power of the militia, and the social prestige of Westmoreland. He attained to that position entirely by his personal qualifications, not by inheritance or right of birth. Maryland and Virginia made him; and he did something not unimportant in the making of both colonies."

After Nathaniel, three generations of Popes lived and died in Virginia, residing for the most part in the counties bordering the Potomac. They were land-holders and men of position, yet little is known about them. One, a grandson of the first Nathaniel, was a lawyer, and served as King's attorney of Westmoreland County and clerk of Stafford. They were on good terms with the Washington family—related, in fact, through the marriage of Ann, a daughter of the original Nathaniel, to John Washington, great-grandfather of George Washington. But beyond occasional isolated facts, such as that the second Nathaniel obtained a patent to 1,050 acres on Holles Creek January 3, 1661, and transferred the same to John Wattson November 1, 1665, or that the third Nathaniel was appointed guardian of Nathaniel Washington in 1708, nothing is known.

Why, in view of the apparently comfortable situation of his forbears, William Pope, approaching middle age, married and the father of several children, should have decided to break with familiar places and try his fortune on the frontier is a mystery. Born in 1745, not many years after the birth of his distant relative, George Washington, in the house which had formerly belonged to his own great-great-grandfather, the early life of the father of Nathaniel Pope is vague and shadowy. Not much more can be said than that he lived in Prince William County, that in 1765 he married Penelope Edwards of Fauquier County, and that while still a resident of Virginia he served as a captain of militia in the Revolutionary army.

But whatever the motive which induced William Pope to emigrate to Kentucky, he was only one of thousands on whom similar compulsions operated. In the East optimists believed the

end of the war to be near. Burgoyne had surrendered in the autumn of 1777, and by the spring of the following year news of the alliance with France had reached America. In the West an intrepid young Virginian, George Rogers Clark, had struck a severe blow at British power, and had reduced the Indian menace at the same time, when he captured Kaskaskia and Vincennes in the summer of 1778. When the news of his conquests trickled backward, thousands took the trails for the fabulously fertile land beyond the Alleghenies. William Pope was one of these.

Four hundred miles from its junction with the Mississippi the smooth current of the Ohio roughens into a series of rapids. Long before the first settlements were made voyageurs and traders named the spot the Falls of the Ohio. Clark, familiar with the country, chose it as his base when he set out for the Illinois country in the month of June, 1778. On an island in the middle of the river—Corn Island—he built a block house, and there he stationed the twenty settlers and their families who had accompanied his expedition. Each family was to cultivate a crop of corn on the patch of ground he apportioned them.

The settlers remained on the island until autumn, when they harvested their corn and removed to the mainland for the winter. Others came, and before many months had elapsed, the town of Louisville was firmly established.

There William Pope settled. The exact date of his arrival is unknown, but he was present on April 24, 1779, when the settlers held a lottery for lots in the town. Almost at once he attained a position of prominence. The first task facing the settlers was that of securing title to the land which they had taken up. Nominally it was owned by John Connolly, formerly an agent of Lord Dunmore, Virginia's last royal governor. Connolly, however, had remained loyal to the mother country. Accordingly, on May 1, 1780, thirty-nine settlers, William Pope among them, petitioned the legislature of Virginia to confiscate his land, establish the town of Louisville on it, and confirm their titles to the lots they had drawn the preceding year. The legislature granted the petition, and declared one thousand acres owned by Connolly forfeited to the state. Titles were to be confirmed if the purchaser erected "a dwelling house, sixteen feet by twenty, at least, with a brick or stone chimney" within two years. Nine trustees were

appointed to lay out the town of Louisville One of the nine was Pope.

II

As soon as William Pope felt that he was permanently established at Louisville he sent for his wife. With her came three children: Penelope, John and William. (Two others had died in infancy.) On January 5, 1784, a sixth child was born, a son to whom the family name of Nathaniel was given.

The little family found itself in a rough, precarious environment. Everyone in the settlement lived in small log cabins with puncheon floors and unglazed windows. Furniture was of the simplest kind. Clothing was for protection only—buckskin breeches and coon-skin caps for men; linsey-woolsey for women. Settlers cultivated their crops in the small clearings adjacent to the stockade with rifles always close at hand, for the threat of Indian attack and massacre was ever-present. "Lie still and go to sleep or the Shawnee will catch you," were the words with which many a youngster was frightened into quiet.

Gradually, however, the Indian menace receded, for the wave of emigration surged unabated. It is said that as early as 1780 no less than three hundred boats, containing at least three thousand people, descended the Ohio to Louisville. When peace with England was declared in 1783 the population approximated 12,000; the following year it had mounted to 30,000. By 1792, when Kentucky was admitted to the Union, nearly 100,000 were living within its borders.

With this increase came some measure of civilization to the town of Louisville, although its population grew much less rapidly than one would suppose from its superior location. In 1785 it contained three hundred inhabitants; fifteen years later it could boast no more than six hundred. Nevertheless, the harsh conditions which prevailed in the first years of its existence were gradually ameliorated. Translucent skins in cabin windows gave way to glass, and then the cabins themselves yielded to frame and brick houses. With the coming of peace merchandise from the East appeared in the general stores. Local products—tobacco, beef, pork and corn—could be exchanged for nails and axes, calico and broadcloth, silks, bonnets, furniture, medicine, whiskey, sugar, tea, and even books.

There is evidence, however, that even at an early date, life in the Pope family was above the general level. For one thing, the father maintained his position of leadership. Upon the organization of Jefferson County he was made lieutenant-colonel of the county militia. Three years later, while serving as sheriff, he was ordered by the trustees to make a map of Louisville—which argues a certain amount of education. In 1785 he represented the county in the Virginia legislature, and for several years he held the commission of a justice of the peace. All that is known about him indicates that he merited the characterization which one of Kentucky's historians applied to him: "A leading citizen of the county until his death."

The inference is supported by what is known of Nathaniel's older brother John, who exerted a predominant influence over his life for several years. Born in Virginia in 1770, John Pope lost an arm while attending a corn-stalk mill. The injury turned his thoughts in the direction of an occupation in which the loss would not be a handicap. He chose the law, and prepared for it by attending a private school at Bardstown in which John Rowan and Felix Grundy were also students. He practised first at Shelbyville, where he soon became prominent as a lawyer and landowner, and where he began his political career by representing the county in the legislature.

Nathaniel Pope, like his older brother, attended private schools, among them that of the Rev. George Leach. According to one of Louisville's historians, the teacher was "a finished scholar and a man of high character and superior talents," who taught the classics as well as English studies. In addition, Nathaniel was to have the advantage of college attendance.

In 1798 Transylvania Seminary and Kentucky Academy united to form Transylvania University, located at Lexington. The *Kentucky Gazette* announced that a professor of law and politics, two professors of medicine and a teacher of French made up the faculty, but students were assured that Greek and Latin, mathematics, geography, belles-lettres "and every other branch of learning would be taught." Tuition was four pounds per annum, and for an additional payment of $2.50, "one half in advance," students might make restricted use of the library.

From this institution young Pope is said to have graduated,

but the list of graduates does not contain his name. All the existing records show is a receipt dated May 1, 1802, for "tuition from Mr. Pope." But from the fact that he became a reader of the classics and acquired an easy command of the French language, it would seem that he must have been in attendance for a considerable period.

For a school situated in a state where frontier conditions were still largely prevalent, Transylvania had much to offer its twenty-five or thirty students. By 1802 its faculty had grown from five to seven professors. Among them were men of note. A cultivated Frenchman who visited Lexington in that year was particularly impressed with Dr. Samuel Brown, Professor of Chemistry, Anatomy and Surgery. He found him receiving the English scientific journals regularly, and concluded that he would have attained high place in his profession wherever he might have chosen to practise it. James Brown, Professor of Law, under whom it may be presumed that Pope studied, was hardly less distinguished. A graduate of William and Mary, he had served as Kentucky's first secretary of state. Something of his calibre may be discerned from the fact that in later life he twice represented the state of Louisiana in the United States Senate and served for several years as Minister to France.

Aside from the educational facilities which Transylvania offered, life in Lexington had no little to give Nathaniel Pope. Its population—2,400 in the year 1800—was four times as large as that of Louisville. Two printing offices issued the *Kentucky Gazette* and the *Kentucky Herald*. The number of notable men who resided there, however, gave it its real distinction. In no profession were they more numerous than in the law. Henry Clay, John Breckenridge, United States Senator and Attorney General under Jefferson, and Joseph H. Daviess of Danville, the first Western lawyer to appear before the United States Supreme Court, attended court regularly in Fayette County. Others only less notable made up the finest bar beyond the Alleghenies.

Here, in November, 1803, came John Pope. The *Kentucky Gazette* carried his notice—a few lines to the effect that having removed to Lexington he would henceforth practise law in the General Court and in the circuit courts of Fayette and neighboring counties. To Nathaniel, his brother's advent meant an opportunity to supplement his college studies by practical work in a law office. He promptly took advantage of it, and spent his remaining months in Kentucky as a law student in Lexington.

Not long before John Pope's removal exciting news had reached Kentucky from Washington. The United States had purchased the vast territory of Louisiana from France, and President Jefferson had summoned Congress to meet in October to ratify the treaty. Weeks later Lexington learned that it had acted promptly. For a young man not afraid of hardship Louisiana under American rule offered an enticing prospect. A lawyer who could speak French should have no difficulty in securing enough clients to yield him a comfortable living, while the new states which would undoubtedly be formed from the province should afford more than sufficient opportunity for political position. Nathaniel Pope decided that there was no better place than this for a career.

III

On March 10, 1804, Meriwether Lewis took possession of Upper Louisiana in the name of the United States. Nine months later—on December 11—Justices Moses Austin, J. Guibord, Benjamin Strother, John Hawkins and François Vallé met at the house of Andrew Burt in Ste. Genevieve and organized the court of common pleas and quarter sessions for the district of the same name. Sometime prior to this date Nathaniel Pope had settled there, for he was present as an attorney. Unfortunately, there were no clients. Anticipating an uneventful session, the district attorney failed to put in an appearance, so William C. Carr was given the empty honor of prosecuting for the government. The court adopted plans for a jail, and then adjourned.

Three months later the first court for another district met at Cape Girardeau, seventy-five miles south of Ste. Genevieve, and again Pope was in attendance. For the next two years, as far as it is now possible to tell, he was to confine his practice to these two towns. At the first he practised alone, but soon after John Scott settled in Ste. Genevieve the two men formed a partnership. Two years older than Pope, Scott was a Virginian who had graduated from Princeton in 1802. He was a man of real capacity, and in a short time he and Pope stood at the head of the small

number of attorneys who attended the courts in the eastern part of Upper Louisiana.

From the time of his settlement in Louisiana until a few months before his appointment as Secretary of the Territory of Illinois, Nathaniel Pope lived in Ste. Genevieve. The town was situated on a level elevation about two miles from the Mississippi, and contained perhaps a thousand inhabitants while Pope lived there. With the exception of twenty-five or thirty Americans, and fifty or sixty Indians, all were of French descent. Nearby was the characteristic feature of all the western French villages, the common field—in this case a rich, unfenced prairie fifteen thousand acres in extent. Each inhabitant owned a tract here, the use of which was rigidly regulated by long-established custom. Within short distance were the mines—principally lead—and quarries on which the life of the village depended. Large quantities of lead were brought in to be sold and shipped, up the Ohio as far as Pittsburgh or down the Mississippi to New Orleans. Everyone, almost, worked in the mines. A blacksmith, a carpenter, a tailor, a few storekeepers, the priest and the Americans were the only exceptions.

It is our good fortune that a particularly observant traveler, Christian Schultz, visited Ste. Genevieve for several months in the winter of 1807-08 and wrote an extended account of his experience. From the pages of his book, *Travels on an Inland Voyage*, comes a vivid picture of the people with whom Nathaniel Pope lived for four years. Life moved at a rapid pace. Balls, lasting from candle-light until the morning of the next day, followed each other in quick succession. Gambling tables—billiards and *vingt-un*—were in almost continuous operation, with small fortunes frequently changing hands within a few hours. Everyone carried daggers, and occasionally used them. All, of course, were Catholics.

According to Schultz, relations between the French and Americans were not always cordial. "The French settlers throughout this country generally entertain a very bad opinion of the religion of the Americans," he wrote, "and even go so far as to say they have no religion at all. . . . They, however, entertain a very high opinion of our knowledge, spirit, and enterprise, and think we excel, in those points, all other nations. There is a small



NATHANIEL POPE

circle of Frenchmen, who. from a familiar intercourse with the Americans, have conquered both their local and religious prejudices, and may be considered as agreeable society, when absent from the card-table. These again are considered by the mass of good catholics as very little better than atheists, for doubting of the infallibility and holiness of their old mother church."

If Christian Schultz pictured correctly the feeling between the French and Americans at Ste. Genevieve, Nathaniel Pope must have been an exception. for apparently he enjoyed the respect of the community. When the inhabitants, in 1808, took steps to provide for advanced education by establishing the Ste. Genevieve Academy, he was selected as one of the twenty-one trustees. In the same year the board of trustees for the town of Ste. Genevieve chose him as their secretary, a position which he held until three months after his removal to Kaskaskia.

On August 31, 1808, Pope appeared before J. G. St. G. Beauvais, one of the five board members, and took the oath of office. His duties were not onerous and the scale of pay was good. He was to be present at each meeting of the board and to make four copies, two in English and two in French, of the ordinances adopted. For each day's attendance he was to receive $3.00, while such writing as he was required to do was to be compensated at the rate of 12½ cents for seventy-two words.

The first task of the town secretary was to transcribe the Ste. Genevieve slave code, adopted by the board of trustees on September 2, 1808. A stringent code it was, too. One wonders what the thoughts of the secretary were as he set down its provisions. From November 1 to April 1 slaves were forbidden to leave the house or cabin of their master after 8:00 P. M. except on the master's written permission, dated the same day; from April 1 to November 1 the curfew hour was 9:00 P. M. Twenty-five lashes was the penalty. Slaves found on the property of persons other than their masters were to be punished by ten lashes. Stripes at the discretion of the chairman of the board or the justice of the peace were to be given for "riots, routs, unlawful assemblies and seditious speeches by a slave." Assembling in streets either by day or night without written permission from one of the town trustees was to be punished by ten lashes. Inhabitants permitting "any nocturnal assemblies, dances or repasts of slaves" in their

dwellings were subject to a fine of $20.00 for each offense. And so it went.

On February 11, 1809, Pope resigned the position, and the following entry was made in the minute book: "Nathaniel Pope Clerk of the Board presented his account of services rendered the Corporation previous to the first of this month, which was accepted by the Board amounting to thirty three Dollars and sixty eight cents."

Two months earlier, he had become a resident of Kaskaskia across the river. Older even than Ste. Genevieve, the town had once been the most flourishing of all the French settlements on the upper Mississippi, but by the early years of the nineteenth century its population had shrunk to less than five hundred, and its trade had diminished in proportion. Nevertheless, there was much talk of creating a separate territory of Illinois, and when this took place Kaskaskia would be its seat. Growth was certain to follow. This prospect, reinforced by a personal reason, doubtless accounted for the removal.

Since 1807 Pope had been a regular attendant at the Kaskaskia courts. He had quickly gained a sizable, even if unremunerative, practice. The people seem to have had an excessive fondness for law suits, for they adjudicated neighborhood quarrels upon the slightest provocation and apparently preferred to pay their debts by court order rather than voluntarily. However, the amounts at issue were small. Even if they had been large, the lawyers would not have profited greatly, for fees were regulated by statute. In civil actions where land titles were not in question an attorney was permitted to charge $2.50; where titles were in question the fee was doubled. For verbal advice where a suit was not pending, $1.25 was the fee allowed; for written advice in a similiar situation $2.50 could be charged.

Practising at Kaskaskia were a number of other lawyers. Foremost among them were Pope's old partner, John Scott, Rufus Easton and Robert Robinson. Easton, ten years older than Pope, was a native of Connecticut who had practised at Rome, New York, before settling in the West. Through the influence of Aaron Burr, with whom he had been associated in politics, he had been appointed a judge of the General Court of Louisiana. Failing of reappointment, he secured the postmastership of St. Louis a

position which he held during most of the years he attended court at Kaskaskia. Robert Robinson lived in Kaskaskia, and was one of the town trustees. Together with Pope, these men almost monopolized litigation. Their appearance, says Professor Francis S. Philbrick in a definitive study of the court records, "immediately changed the appearance of the Randolph records. Before them there was no pleading worth the name." Pope and Scott, in particular, "stood deservedly at the head of the bar in their day in Missouri and Illinois," said Governor Reynolds in an estimate which Professor Philbrick quotes with approval.

The preëminence of these two men was due in large part to the fact that they were 'book lawyers.' Both were college trained, and Pope at least did not permit his contacts with books to cease when he left Transylvania. While he was living in Ste. Genevieve one of the storekeepers got in a consignment which included such diverse titles as the "Surveyor's Assistant" and the "Merry Fellow's Companion," Murray's "English Grammar" and Volney's "Lectures." Pope made several purchases—Powell on Devises, which cost him $2.50, a Latin grammar for $.37½, Cicero's "Orations" and Phaedra's "Fables" for $.50 and $.25 respectively. In 1810, when the books of a Ste. Genevieve lawyer were sold on execution in Kaskaskia, he paid the large sum of $25.00 for the six volumes of Comyn's "Digest."

But it was not books alone that he was purchasing a short time before he settled in Kaskaskia. On the Ste. Genevieve storekeeper's account book appear the following items:

6 Pces Bobbin	.75
1 Water Pot	1.50
1 Lot of Glass	11.50
2 Framed Pictures	1.12½
2 Salt Scellors	3.50
½ Doz. Split Bottm Chairs	3.50
1 Lot of Tin Ware	6.00
4 Tumblers with handles	2.00
1 Flat Iron	.37½
1 Lot needles	.45
1 Snuffer	.12½

Obviously, he was preparing for marriage and the establishment of his own household.

About the same time that Nathaniel Pope settled in Ste. Genevieve, Lucretia Backus had come to Kaskaskia. Born in New London, Connecticut, in 1787, of a family which had been established in New England as early as the first Nathaniel Pope's settlement in Maryland, she had gone to live with her parents at Marietta, Ohio, when her father was appointed receiver of the land office there in 1800. For the next four years she attended the Moravian Seminary at Bethlehem, Pennsylvania. During that time her mother died and her father, Elijah Backus, was appointed receiver of the land office at Kaskaskia, where he went to live with one of his sisters. Finishing her education, Lucretia, then sixteen, joined her father at Kaskaskia. There she met Nathaniel Pope. They were married on the 13th of December, 1808.

IV

Meanwhile, the movement for the creation of a separate territory of Illinois was moving toward its end. In December, 1808, petitions praying for a division of Indiana Territory, sent to Congress by the advocates of separation, were referred to a select committee. The committee quickly made a favorable report, and on February 9, 1809, the act establishing the Territory of Illinois was passed.

The sequel proved that John Pope, now a member of the United States Senate from Kentucky, was an interested observer of these proceedings. In spite of local opposition, he secured the appointment of Nathaniel Pope as secretary of the new territory within a month after its creation; and when John Boyle, first appointed governor, resigned his commission without ever qualifying for the office, Pope's influence, coupled with that of Henry Clay, was strong enough to secure the place for Ninian Edwards, chief justice of the Kentucky Court of Appeals and his own cousin and political lieutenant.

Nathaniel Pope's appointment bore the date of March 7, 1809. But it was not until April 25, when, presumably, he first learned of Boyle's resignation, that he took the oath of office. Having no way of knowing that only the day before, in far-away Washington, Edwards' appointment had been made, it was his duty under the law to assume the functions of governor and organize the territory. Accordingly, on the 28th, acting "by virtue of the powers

vested in the Governor. for the prevention of crimes and injuries and for the execution of process civil and criminal within the Territory," he issued his proclamation establishing the counties of St. Clair and Randolph with boundaries the same as under the Indiana territorial government, and issued commissions to two justices of the peace and one sheriff. For the next six weeks—until June 11, when Edwards took the oath of office—he continued to act as governor.

The responsibility was a heavy one for a young man twenty-five years of age. Ever since the appointment of William Henry Harrison as governor of the Indiana Territory in 1801, the Illinois villages had been torn by factional quarrels. On one side were the territorial officials and an influential group which the governor was able to hold together by the use of patronage; on the other, an opposition faction headed by John Edgar and William and Robert Morrison. Sometimes there were real issues between them. The governor's opponents disagreed with what they considered the ineffectiveness of his efforts to throw open the territory to slavery (on the desirability of which all were agreed), and they charged that an undue proportion of Illinois office-holders were appointed from the Indiana counties. Frequently, however, the feeling was so bitter that one faction opposed the measures of the other for no other reason than to cause political embarrassment.

Into the situation, bad enough as it stood, was injected a further cause of discord. In 1804 a land office was established at Kaskaskia, but government land was not to be opened for entry until existing French and British grants were confirmed. The register and receiver, Michael Jones and Elijah Backus, were empowered to act as commissioners to pass upon the validity of such claims. Their problem was a difficult one. For years French grants had passed from hand to hand at prices absurdly low. But when it became known that commissioners to validate claims had been appointed, everyone seemed fired with a passion for accumulating them. Violent speculation followed, and it was not long before the bounds of honesty and fair dealing were passed. Where money could not buy, fraud might succeed, so witnesses were subborned and titles created by affidavits compounded of perjury and greed. "Few who possessed the means to speculate could pride

themselves on having maintained an unimpeachable innocence," commented a careful, dispassionate student of the period.

Early in their investigation the suspicions of the commissioners were aroused. Thorough inquiry followed, and threatened to end in widespread exposure. Naturally, the bitter animosity of the speculators was aroused, for both property and honor were involved. More than once the lives of both Jones and Backus were threatened. Moreover, since both men were Harrison partisans, the strength of the Edgar-Morrison faction was thrown against them. Jones in particular became an object of such hatred that his banishment from the territory came to be one of the faction's major purposes.

Thus matters stood when an event occurred which stretched nerves and passions to the breaking point. A political quarrel between Rice Jones of the Edgar-Morrison group and Dr. James Dunlap of the Harrison faction passed to the stage of vituperation and threats of bodily injury; and finally, on December 7, 1808, Dunlap shot Jones to death in Kaskaskia. The murderer fled and was never arrested, but for months the Illinois villages were in turmoil. Michael Jones and Elijah Backus were both charged with having instigated the murder, and the anti-Harrison group made no secret of their determination to exterminate or banish the "murderous faction" from the territory.

This was the situation when Pope assumed office. So far as he knew, it might be necessary for him to act as governor indefinitely, so he immediately set about the business of governing in earnest, instead of confining himself to the barest essentials pending the arrival of his superior. Appointments were his first concern. On the day the existence of the territory was proclaimed he appointed James Gilbreath, one of the old Harrison faction, sheriff of Randolph County, and issued commissions to two other men as justices of the peace. Two militia commissions were issued on May 1 and two more on May 2, and on May 3 came an avalanche. Among the appointees were a number of men to whom the Edgar-Morrison faction was violently hostile—Elias Rector, made adjutant general of the territorial militia, Shadrach Bond, Jr., lieutenant-colonel, and William Biggs, justice of the peace. Three days later more appointments of the same stripe were made, among them that of Pierre Menard as lieutenant-colonel of the

Randolph militia, and Robert Robinson, major. On the 17th came the boldest stroke of all—the issuance of a commission as adjutant of the Randolph county militia to Michael Jones.

These appointments alone, coupled with the failure to recognize a single prominent leader of the opposition group, would have insured Pope the enmity of the faction led by Edgar and the Morrisons. As a matter of fact, he enjoyed that enmity before he took office, and made his appointments in accordance with it. He was the son-in-law of Elijah Backus, one of their hated enemies, and since his removal to Kaskaskia he had been in political alliance with Michael Jones. With this background, he could hardly have been expected to act otherwise.

The Morrison faction wasted no time in making known its attitude. Believing at first that Pope was to be appointed governor, they formally protested against the selection of one of that "murdering faction" whom they charged with the death of Rice Jones. Soon after he assumed office they took the position that since he had taken the oath before a Louisiana magistrate he was improperly qualified and without power to act—a move which caused the acting governor to seek the advice of the Secretary of State in "no little anxiety." Learning of Edwards' appointment they subsided temporarily, only to greet the governor upon his arrival with a remonstrance describing the Randolph County sheriff, whom Pope had appointed, as "an highly improper character," and with a plea that the secretary's appointments be set aside and only members of their faction be given places.

The result of all this was that in the six weeks during which Pope had acted as governor factional strife had continued as before, except that the old Harrison faction had transferred its allegiance to Pope, while the Edgar-Morrison group made him the object of attack. Edwards found the situation intolerable—a mixture of "personal animosities of the most rancorous and vindictive nature" which "had convulsed the whole society"—and determined to ally himself with neither party. Two weeks after he took office he set aside Pope's militia appointments—salving the secretary's pride by the public statement that in a similar emergency he would have acted in exactly the same way—and got around the troublesome problem by calling upon the militia regiments to elect their own officers and promising to appoint the victors. Pope took the

rebuff in such good spirit that John Pope, who had protested against Edwards' action, was able to write not long afterward that he was happy at the good feeling between the governor and the secretary.

From the beginning of his term of office, larger problems than the vagaries of factional politics were presented to Nathaniel Pope. Overshadowing all others was the Indian situation. In 1809 the Territory of Illinois included not only the present state but also the lands to the north as far as the Canadian boundary. The villages on the Mississippi were practically isolated. One hundred and fifty miles of prairie and woodland, practically uninhabited, separated them from Vincennes, while to the northward, almost unimpeded, roamed warlike tribes needing only organization and incentive to blot out the villagers.

Pope had no sooner taken office than reports of Indian unrest came to him, relayed by Meriwether Lewis, governor of Louisiana. From Detroit, Prairie du Chien and the Rock River valley came tidings of their restlessness, coupled with charges that British agents and traders were fomenting hostility by furnishing them with liquor, arms and ammunition. Within ten days after he assumed office, he decided upon a course of action. The first part of his plan was to summon the Kickapoo, a belligerent tribe of perhaps five hundred warriors who inhabited the region between the Wabash and the Illinois, to a council at Kaskaskia, and to try to secure also the attendance of the Shawnee and Delaware. Lewis, at St. Louis, commended the idea and offered every assistance, but apparently Edwards vetoed it upon his arrival, since no council was held.

It is evident, however, that Pope expected to gain no more than temporary peace in this way, for the second part of his plan was based on the confident expectation that war with Great Britain was only a matter of time. When it should come, Indian hostilities would come with it, and the only way to meet them was by energetic action at the earliest possible moment. The situation as he saw it was fully set forth in the following letter to the Secretary of War, given in full not only for its intrinsic historical importance, but also for the light it sheds on the temper of the man who wrote it.

Illinois Territory,
Kaskaskia, May 11th, 1809.

Sir:

As the Tranquillity of this Territory depends materially (perhaps more immediately than any part of the Union) upon the result of the deliberations of the next Congress, I beg leave to call your attention to it.

From the best information I could obtain since I have directed the affairs of this Territory, I am strongly led to believe that the British emissaries from Canada have been preparing for the Worst and in the Event of War with England will exert themselves to arm the Indians of the Mississippi and Lake Michigan and send them upon our Frontier.

They have been endeavouring to collect all the forgoing Indians at Detroit in this month. I can not imagine what can be the object of this convention, unless it is to effect a general combination against the United States.

The British Merchants have deposited at Prairie du Chien about ten or twelve thousands pounds of powder and an equivalent of Balls of various sizes suitable to the guns of the Indians. This ammunition will be immediately dealt out to the Indians, when war shall be proclaimed. If that resource can be cut off the Indians will not be able to do us any immediate injury. I therefore suggest the propriety of my having the Earliest possible advice of War, (if Declared) that I may seize upon all British property in my Territory, I mean such property as can be useful to the Indians in an attack upon us. This is the first considerable deposit of ammunition ever made at that place by the British. It seems however not to have attracted the notice of Mr. Boilvain Indian agent at that post; he must have seen it; yet does not mention it in any of his communications to the Governor of Louisiana Territory. This latter received it from a private individual and advised me to seize the lead & powder and have it deposited at fort Belle-vue and there detained until we should know unequivocally the dispositions of the Indians. But I did not think that circumstances justified such a rash and violent measure. General Clark, who is Indian Agent for several nations who would be benefited by a distribution of this ammunition, thought with me that it might be productive of many evils; it might facilitate the coalition between the different nations of Indians, so much desired by the British. Besides Boilvain having bestowed no attention on that fact (to wit of the Powder & Ball being there) I did not know that such a step ought to be taken upon the information of an Individual. In the event of War this Territory every foot of which may be

called a Frontier ought to be furnished with arms and ammunition; Lead can be had here; but powder is scarce. I cannot at this Moment state the strength of the Militia, no returns have as yet been made.

I am with high respect
Sir, Yr obt Sevt
Nat Pope

The Honble
William Eustis
Secy of War
City of Washington

With the arrival of Ninian Edwards in the territory and his assumption of the governor's office on June 11, Pope commenced to perform the more limited duties of territorial secretary. As legally defined, these duties were neither extensive nor of large responsibility. "To keep and preserve the acts and laws passed by the legislature, and the public records of the district, and the proceedings of the governor in his executive department; and transmit authentic copies of such acts and proceedings, every six months, to the secretary of Congress" was all the statutes had to offer concerning his position. The salary, for the secretary of Illinois, was $1,000 annually.

A curious interchange of letters between Pope and Albert Gallatin, Treasurer of the United States, reveals graphically the rudimentary state of the government set up in Illinois, and indeed, by the very fact that Gallatin found time to take part in it, the simplicity of the national government also. On May 11, 1809, Pope submitted a claim for $9.47—office rent from March 7 to March 31 at the rate of $12.00 per month. "I wish to deal candidly with you," he wrote to Gallatin in explanation. "I have lived in a house belonging to my wife's father, who certainly would never have charged me any rent. But if a friend should furnish the Secretary with an office for nothing, it being a personal favor, it is no argument against his charging the Government a reasonable price for the occupation of it. I submit to you to allow or reject my claim."

A month later the Treasurer of the United States objected — not to the principle but to the amount. "Forty dollars per annum is considered as the highest sum which ought to be allowed for the rent of an office," he wrote. Impossible, Pope answered. "I state to you that I cannot procure a suitable room for less than Sixty Dollars per annum, suppose that I make an office

of a Room in my own house, with whom am I to make a Bargain and from whom to take a receipt? Yet would you refuse to allow me for office Rent? I am sure you would not. I could wish that you would satisfy yourself as to the usual price of Rooms of that description and let me have a credit for so much every quarter . . . Now Sir with respect to my charge of $12.00 per month for office Rent I beg leave to remark that at the time I made my return I was ignorant of the object of the appropriation for office Rent. I advised with Gentlemen better acquainted with such affairs than myself, they thought that it amounted to house Rent for the Secretary, as I was not convinced I determined to try the principle by forwarding the account to the 31st of March knowing that if the appropriation did not embrace the Charge that you could correct it. It seems to me that the Secretary ought to have two Rooms—one to lodge in and the other for the public papers of his office. In a Country where Society is very rude and the buildings indifferent it is improper that the public Papers should be exposed, by being left in a house in [which] no one lodged. If I am entitled to two Rooms sixty Dollars would not be sufficient. The foregoing are suggestions for your consideration. But I assure you that forty Dollars are entirely inadequate to the object." Gallatin accepted the modified figure of $60 for office rent, but refused to allow it to be charged prior to April 1, since Pope could not have received his commission before that time. The secretary acquiesced, explaining that he thought himself as much entitled to office rent as to his salary prior to the receipt of his commission.

Vouchers for expenses which Pope submitted to the Treasury help to show how severely limited an affair was territorial government in Illinois. For the first three months of the territory's existence they totalled $50.00 and covered the following items and amounts:

1 Ream foolscap paper	$ 8.50
1 Ream Letter paper	8.50
Printing 100 blank militia commissions	5.00
Printing 60 blank civil commissions	3.00
1 Blank Book	10.00
3 Months Rent	15.00

For the second quarter—July. August and September—only $32.20 was required to keep the government in operation:

2 oz. wafers	$ 1.50
Printing 1 quire civil commissions	2.50
Printing 1 quire militia commissions	2.50
Quills, ink, powder & sealing wax	3.50
13 Quires paper	5.20
Office rent	15.00

The annual appropriation of $350 for territorial expenses seems to have been an unwarranted extravagance!

After remaining in the territory for two months, Edwards returned to Kentucky on private business, again entrusting the government to Pope, who was just recovering from an attack of fever which had kept him confined for a month. This time, in the governor's absence, the secretary acted strictly as his deputy. The executive register contains only three entries—the first, on August 24, noting the issuance of a warrant for the arrest of a criminal wanted by the governor of Louisiana Territory; the second on September 9 recording the filing of a letter from Edwards removing two justices of the peace from office; the last, on September 22, appointing two others in their places.

For three years internal affairs in the Illinois country moved with a greater degree of tranquillity than its turbulent background might seem to have warranted. Settlers came in increasing number—a development which aided Edwards in his determination to steer clear of the factions which had kept the territory in turmoil. But always in the background, and becoming more ominous with each passing month, was the shadow of war and Indian outrage. Thefts of cattle and attacks on isolated farms became more frequent. In the fall of 1811 came Harrison's bloody clash with the Shawnee at Tippecanoe. Western resentment at what was believed to be British responsibility for Indian unrest now found an ally in the hostility aroused in the East by controversies over the rights of the United States on the seas. On June 18, 1812, came the declaration of war which Pope had looked forward to three years earlier.

During the first months of the war the defense of the Illinois villages was left entirely to the inhabitants. Governor Edwards' commission as militia commander had just expired, and the government had made no authorization for militia expenses, but he

assumed responsibility without hesitation, raised several companies of mounted volunteers and paid them himself. With these troops the frontier was patrolled from Vincennes to the Mississippi. Fort Russell was erected near the present city of Edwardsville, and a chain of blockhouses built to cover the outlying settlements.

These measures, however, were primarily defensive. Soon the settlers demanded more than that, especially after the massacre of the garrison of Fort Dearborn. To the north, near the small French settlement at Peoria, were Potawatomi, Kickapoo and Miami villages. In these the people of the territory saw the source of all their troubles. Edwards determined to destroy them. By October he had mustered two regiments of militia at Fort Russell. At his urgent request Pope agreed to serve as paymaster of the detachment, and was made first aide on the governor's staff.

On the 18th of October, 1812, the army—four hundred strong and all mounted—started northward. Passing the site of the present town of Carlinville, and crossing the Sangamon near Springfield, they paused only long enough to destroy two Kickapoo villages which they found in the vicinity. Soon they were encamped a few miles from Peoria, and close by a village of Miami and Kickapoo at the head of Peoria Lake. Coming within sight, the militia rushed forward in an uncontrollable mob. The Indians fled in confusion. Pursuers killed twenty-five or thirty, but most escaped. Not a militiaman was lost.

At Peoria Edwards had expected to meet a force of Kentuckians from Vincennes. Not being able to learn anything of them, he burned the Indian towns and started back to Fort Russell, arriving there on October 31, just thirteen days after the expedition started. Salutes from cannon from old Fort Chartres and much bombastic oratory welcomed the victorious volunteers.

This expedition was Pope's only direct participation in Indian warfare. Indeed, in the following spring the national government, in order better to manage operations, formed a military district of the territories of Illinois, Indiana, Missouri and Michigan, and placed William Henry Harrison in command. Illinois and Missouri were made a sub-district under General Benjamin Howard. Ninian Edwards was superseded. Chagrined at the slight, he turned over the government of the territory to the secretary, returned to Kentucky, and seriously considered resigning his office.

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From late June until early December Pope was in charge. For several months his activities were restricted to ordinary governmental routine. In November, however, an important duty devolved on him. Eighteen months earlier Illinois had advanced to the second grade of territorial government—a change which transferred legislative power from the governor and judges to a legislature composed of an elective council and house of representatives. On November 15, 1813, the legislature met at Kaskaskia for its second session. It was up to Pope to make the executive recommendations.

His message opened with a paragraph reminiscent of an eighteenth century Virginia gentleman. "The absence of the Governor," he informed the legislators, "imposes on me the important and delicate task of discharging the executive duties of the Territory—a task upon which I enter with the utmost diffidence, arising from a conviction that I am unequal to a satisfactory discharge of those functions. The Citizens of the Territory have reason to regret that their interests are confided to such feeble hands; but they may be assured that my best exertions will be employed to promote their prosperity. I however derive much confidence from the hope that you will extend to me at all times your candid and cordial cooperation and assistance. Emboldened by this hope I will proceed with cheerfulness to my duty."

A resumé of the Indian situation followed. "The General Government having taken from the Governor of the Territory the command of the forces employed in its defense and that important trust confided to an officer not instructed to communicate with the Governor, I can officially know nothing of the state of our relations with the Indians on our Borders. It is sufficient to say that I have heard of no late depredations committed by them within this Territory. The most salutary effects are anticipated from the Fort lately built at Peoria under the order of Brig. Genl. Howard who is entrusted [with] the protection of our Frontier.

"The last advices from Canada authorize a belief that Michillimacanac and St. Josephs are in the hands of the U. States, if it be true the communication between Quebec and the Indians of the Mississippi and Illinois is completely intercepted, consequently all the supplies they may hereafter receive must be under the control of the United States. Then and not till then can we ex-

pect permanent peace and tranquillity with our restless neighbors. Then dependence upon us absolutely will be sufficient security for their good behavior. We cannot at the same time expect that a people whose whole notions are military, who despise 'the dull pursuits of civil life' and whose only road to honor, influence and power is war will all at once abandon a pursuit which they have been educated to admire and to excel in. No, such a hope would be absurd. If war they will let them fight among themselves without our interference."

The acting governor's specific recommendations were few in number. Modification of the law concerning the court of chancery, abolition of the office of brigade major and inspector, and a salary for the adjutant general were suggested, while the attention of the legislators was directed to the general subject of the territorial revenue. Notice was also given that a writ of election to fill a vacancy in the house of representatives had been issued.

For the most part, however, it seemed to Pope that an attitude of self-restraint was the one most fitting at the time. "It is not thought that any important changes are necessary in our code of Laws," he informed the lawmakers; "some slight amendments in some of the details may be found necessary; but the expense and delay of publishing our Laws suggests very strongly the propriety of letting them remain as they are unless radically defective. Our present code has been deliberately revised and corrected and is pretty generally known and from practice understood by your constituents. In all new Laws many doubts and uncertainties exist and before they are tested and construed by frequent applications to cases upon which they were intended to operate very erroneous opinions are formed upon them."

The message concluded with some pithy advice as to the spirit in which a legislature should approach its work. "Harmony in your deliberations and unanimity in your councils is greatly to be desired," said Pope. "Confidence in the integrity of each other will promote this end and keep the demon of discord from among you. Your interests are identified and whatever conduces to the prosperity of one section of the Territory will have a corresponding effect upon the balance of it. Let no one arrogate to himself more patriotism than he is willing to allow his colleagues and let every one be governed more by a desire to promote the public good

than to enhance his own popularity. Then and not until then will you deserve well of your Country."

Three days later Pope sent a supplementary message to the legislature. "I submit to you," he wrote, "the propriety of passing a Law to restrain the inhabitants from trading with and selling whiskey to Indians. This practice has occasioned great inconvenience and loss to the Citizens of the Territory, for the Indians resort to stealing to procure the means of supplying themselves with ardent spirits, knowing that the whites will purchase from them anything they can lay their hands on. This practice is as immoral as it is troublesome. It is not uncommon for an Indian to sell a horse worth from twenty to thirty dollars for three or four Gallons of Whiskey.—Frequent applications have been made to the Executive to stop this practice, but the Executive can find no adequate power."

On the 20th the house of representatives replied to Pope's message in an address marked by courtesy and respect. "They are sensible of the importance of the public trust which has devolved on you in the absence of the Govr.," the members acknowledged, "but have the utmost confidence in you that the public interest will not want attention while its Govt, is entrusted to your care . . . The subjects recommended by you will receive the earliest consideration in the H. R. and be assured, Sr. that it shall be our constant aim to promote the public interest, however short our deliberations may fall of that object."

Laws carrying out Pope's recommendations were promptly passed. The general court was given chancery powers, the office of brigade major and inspector was abolished, the adjutant general was voted $100 a year, and the sale of intoxicants to Indians was prohibited under a fine of from $5.00 to $20.00 for each offense. That part of the message which recommended a short session seems not to have been so welcome, however, for the legislature remained in session almost a month and turned out a substantial number of enactments.

Although the immediate direction of military affairs in Illinois had been taken from the territorial officers, they continued to be intensely interested in the Indian situation. Attacks upon outlying settlements continued, and Illinois militiamen participated in several expeditions against British and Indian strong-

holds to the north. Nevertheless, it was never possible to extend American control much beyond the present latitude of Peoria and Warsaw on the Mississippi. Since this was not sufficient to remove the danger, hope for a conclusive campaign was ever entertained. On October 20, 1814, Pope urged Benjamin Stephenson, the territorial delegate, to "press upon Mr. Monroe the absolute necessity of a campaign against the Indians of the Mississippi, Illinois & Lake Michigan next Spring." When Col. William Russell had arrived on the Mississippi a few weeks earlier an expedition to the Illinois or farther seemed in prospect, but now Russell was sick, and the chance was gone. "I determined to join him in any capacity even as a private," Pope confessed. "All is quiet with us now," he added, "but much is feared from the Indians about the first of next month *viz* after the full of the moon."

Two months after this letter was written peace between Great Britain and the United States was concluded at Ghent. Word that the war was over brought relief to the inhabitants of the Illinois country, although it was some time before sporadic disturbances entirely ceased.

Pope's term of service as secretary of Illinois Territory was now nearing its close. An important undertaking was still before him, however. No little confusion was caused by the fact that the laws of the territory had never been brought together in an authoritative compilation. The legislature contracted with Pope to remedy the situation. As a result, on June 2, 1815, there appeared from the press of Mathew Duncan at Kaskaskia the *Laws of the Territory of Illinois, Revised and Digested under the Authority of the Legislature, by Nathaniel Pope.* Familiarly known as "Pope's Digest," the work enjoys the double distinction of being the first comprehensive collection of Illinois laws and the first book printed in the state.

V

On May 22, 1816, the *Western Intelligencer* of Kaskaskia, the only newspaper in the territory, announced the candidacies of two men for delegate to Congress—Russell E. Heacock and Nathaniel Pope. The editors gave Pope unqualified endorsement.

> As a man of talents it is known that he stands preeminent. As a man of virtue and integrity (his bitterest enemies if he have any) admit him to be unstained and ever free from reproach. As a friend of his country his every act bears testimony. Who then it may be asked can the people of this Territory better select as their representative in the national Legislature? From such a man indeed the people would have a right to expect all that could be done by any man.
>
> But he has also been an officer of our Territorial Government for about six years, and a part of that time he has acted as chief magistrate (a situation well fit to try his fidelity) and during that period we believe no man has ever been heard to say that he has not faithfully and satisfactorily discharged his duty. He is well known to the administration as a man of this character and consequently will carry with him that weight of character which almost every other member would have to acquire, by slow proofs of his virtue which is necessary to ensure success to the delegate. His mind is also unbiased by party prejudices; for it is well known that he has always stood aloof from those party disputes which have so frequently disturbed the repose of the Territory. The general interest would therefore be more likely to be his polar star in the discharge of his duties, than any man whose mind has been warped by local and party prejudices.

Heacock attempted to counteract this eulogy in a circular to the voters. "I do not think that, because a man is rich, he has the greater claim to any office," he asserted, "nor do I think a man the more entitled for having been loaded with territorial, or any other commissions, nor for that he has long been a public servant, unless he can show that he has been a good one." The voters, however, were unimpressed. Early in June Daniel Pope Cook wrote that Pope's election would be almost unanimous—"there will be no opposition even of a respectable description." Ten days later Shadrach Bond made a similar prediction, and the summer moved on in a political calm which seemed to indicate that Pope would be chosen as a matter of course.

Then, on the eve of the election, the storm broke. The occasion was an attack on Rufus Easton, Missouri's territorial delegate, which soon involved Pope and forced him to defend himself.

On December 16, 1811, one of the most severe earthquakes in the history of the United States struck the town of New Madrid in the Territory of Missouri. For three weeks the earth was in almost constant tremor. On January 7, 1812, another major quake occurred. Thereafter there were slight disturbances for many weeks.

New Madrid had once been a flourishing town, but by 1811 only a few families resided there, and the total value of their property was small. However, the village was almost entirely demolished, and the plight of the inhabitants aroused widespread sympathy, with the result that in 1815 Congress passed an act permitting the sufferers to give up their land holdings in return for certificates allowing them to locate on other public lands. Now, with the election soon to take place, it was charged that Easton had gone to Washington with the intention of securing the passage of the act, and had arranged with William Russell, a surveyor and land speculator, to purchase claims at a discount before the people should know what was on foot. Together they would divide the profits.

At the time this accusation was made public Russell was in the southern part of Missouri Territory. Upon his return he made a sweeping denial, brought forward statements of friends and associates to prove his innocence, and charged Pope and John Scott with at least partial responsibility for its circulation. "If ever Mr. Pope authorized this statement to be made," he wrote in a handbill dated September 2, 1816, "in order to aid his friend Scott in their joint or several plans, (the present depth or darkness of which I don't pretend to know,) it would not be his first attempt to injure me, by his *positive* assertions to maintain, the *most wicked* of falsehoods for a truth, which *proved to me* beyond the shadow of a doubt, that the line of truth was not *his* stopping place, in places where *his pecuniary interest,* or cuningly [*sic*] wicked designs required the reverse."

Not content with denial, Russell went on to charge Pope and Scott with misconduct of their own. "If they have not, by the *strength of each other's testimony,*" he asserted, "*recovered two thousand dollars each,* (in the whole four thousand dollars) out of the estate of Joseph Mitchells *orphan* child, without any reasonable equivalent or good consideration, they are wronged by the opinions of those who profess to be acquainted with the circumstances.—Their making *large sums* of money in this *easy way,* may well enable them to give a better price for New Madrid lands, *lead mines or salt springs,* or to acquire more shares in a fur company, than me (or others who *yet their money by industry*) would be able to pay."

Five days before Russell's publication was issued Pope put his own defence in print. Sometime earlier a friend of Russell had pressed the same charge against Scott, and accused and accuser had agreed to submit the matter to five arbitrators. Pope simply published their finding—signed statements by four of the arbitrators and a verbal assertion by the fifth that the conduct of Scott and Pope in the Mitchell case was above reproach and their compensation reasonable.

Besides denying the charge against him, Pope made his handbill the medium for a final statement of his platform. "I aspire to the honor of representing the free people of Illinois territory in congress," he wrote, "and in that body bear testimony to their patriotism, bravery and suffering, and call upon the general government to do justice to those who have been so much injured by the unaccountable delay in their pay for services . . . I should indeed take pride in showing the world what the sons of Illinois have done to protect an extensive and weak frontier, and then reproach the nation with its conduct towards them. I have other objects; I wish to promote the prosperity and encourage the emigration to this territory: in order to succeed in these objects, I shall endeavour to get the Indian title extinguished to all the land within the limits that are to be the permanent boundaries of this (will be) state, and especially the lands on this side [of] the Illinois river, including the Sanguemon country, and get it all in the market as soon as possible. Instead of being concerned, as has been insinuated, with a company to buy the United States' Saline, (which I deny) I would oppose such a sale with the most determined zeal. I entertained a hope to be able to prevail on the general government to lay out the money arising from the rents of the U. States' Saline, in improvements in the territory, such as opening roads, building bridges &c. in the different parts of the territory. Other things might be done beneficial to the territory, for example, the lands reserved for schools and a seminary, might be placed under some regulations that would make them yield in a short time an income that might be laid out to promote education &c."—A detailed statement, and yet it omitted the one purpose which, when achieved, was to make Pope's term as delegate memorable—the admission of Illinois to the Union.

At the election, held on September 5, Pope won by a large

majority. In the late autumn of 1816, he started for Washington. As a delegate, he enjoyed all the privileges of a Congressman except the most important one, that of voting. In reality he was the Washington agent of his constituents, charged with the duty of securing favorable legislation, warding off inimical acts, transacting business at the departments and performing personal favors and errands. Sentences from a series of letters written by Josiah Meigs, commissioner of the general land office, in January and February, 1817, show the manner in which much of a western delegate's time was spent. "I return the memorial in favor of Mr. Blue. Whether the President has authority to lease a part of the Reservation for Salines as a tavern stand, is doubtful . . ." "A certificate of confirmation in favor of George Lanceford arrived this day from Kaskaskia . . ." "The papers relative to Mr. Hay's claims in Illinois Territory shall have due attention in proper time . . ." And so forth.

Arriving in Washington, Pope took lodgings at Davis's Hotel, located on Pennsylvania Avenue near Sixth Street. On December 2 he took his seat in the old Brick Capitol. Presiding over the House of Representatives was Henry Clay, while among the other notables in that body were Daniel Webster, John C. Calhoun and John Tyler. For the first weeks of the session Pope's old law partner, John Scott, was present as Missouri's delegate, but an election contest caused the House to vacate his seat early in January, 1817.

Seventeen days after taking his seat Pope took the floor for the first time to move the adoption of the following resolution: "Resolved, that the Committee on Foreign Relations be instructed to inquire into the expediency of excluding foreigners from trading with the Indians residing within the limits of the United States." Forsyth of Georgia suggested that this object had been accomplished by an act passed at the last session. (The act to which he referred provided that licenses to trade with the Indians should not be granted to any but citizens of the United States except by express direction of the President.) Pope replied that in his opinion foreigners should be entirely excluded. Such a course, he said, "would relieve the Indians from their present dependence upon the British traders, the ill effects of which were at present very evident." The suggestion was then made that the

resolution be referred to the Committee on Indian Affairs instead of the Committee on Foreign Relations, to which Pope assented. Again Forsyth interposed, this time with the suggestion that Pope define his object more clearly, specifying the particular part of the existing law he wished modified. Pope answered that he not only wished "to repeal the dispensing proviso to the act of last session," but intended "that the committee should also recommend such measures as would insure a due and certain execution of the other provisions of the law in question." Whereupon the resolution was passed—and that was all that ever came of it.

Six weeks later, on January 30, 1817, he took the floor for the second and last time during the session. In the absence of a delegate from Missouri, Pope offered four resolutions relating to the ownership of the batture between St. Louis and the Mississippi and to preëmption rights in Missouri. At his request the resolutions were referred to the Committee on Public Lands, where they died. More than a year later the identical resolutions were again introduced, this time by Missouri's own delegate.

No less prosaic were Pope's duties outside of Congress. During the session he initiated only one project of public interest. Henry Eddy, a young lawyer, and Peter Kimmel, printer, both of Pittsburgh, wanted to start a newspaper in Illinois, but there was small hope of success unless they could secure the privilege of printing the federal laws. Pope appealed to John Quincy Adams, Secretary of State, on their behalf. The negotiations dragged on for over a year. Finally, in February, 1818, the authority was granted, and Eddy and Kimmel loaded their press on a flatboat and floated down the Ohio to Shawneetown, where they founded the *Illinois Emigrant*, the second paper published in the territory.

With the close of the session Pope returned to Kaskaskia, where he remained until fall. Then, in September, the *Intelligencer* announced that "Nathl. Pope our delegate for the territory will leave this place for the city of Washington on or about the 10th of next month—those who may have any business to transact at the city are desired to call on him before that time." This time Mrs. Pope and the children accompanied him as far as Louisville, where they remained during the session. The stop-over in Kentucky, coupled with bad weather and bad roads, delayed his arrival in Washington until the first week in December.

On the 8th of December, 1817, Pope took his seat. Almost at once he addressed his constituents through the medium of the *Western Intelligencer*. "It is inferred that the President is in favor of raising the price of public lands," he wrote in some consternation, "but it is hoped that no such measure will be adopted—indeed I will oppose it with all my strength. It would check emigration and might have the effect of postponing our admission into the union. A resolution has been introduced to exempt from taxation for five years, the military bounty lands—I hope no further steps will be taken on it. It would enable speculators to hold up their lands from market, and prevent the territory from taxing three and a half million acres of land, and most of that belonging to individuals, who obtained it at less than fifty cents per acre."

Shortly after the session opened Pope had an opportunity to intervene in a unique project which promised to add a considerable number of settlers—always a cherished end—to Illinois. Morris Birkbeck and George Flower, two idealistic Englishmen of education and wealth, were planning to establish a colony of their countrymen in the United States under conditions which would permit full development of natural capacities, unrestricted by Old World impediments. After examining many sites, they picked on one in southeastern Illinois. Birkbeck purchased large tracts, but did not have the funds to secure a sufficiency. Fearing that speculators would follow his lead, and by raising prices defeat the project, he appealed to Pope to aid him by obtaining from the government an extension of the time of payment.

On December 14 Pope acknowledged the receipt of Birkbeck's letter and petition. "I am so much flattered," he wrote, "with your selection of the Illinois Territory as your permanent residence in the prospect of the permanent advantages it may derive from your experience in the arts of Husbandry, that I cannot fail to indulge in an ardent wish that you may succeed in your plan." There was likely to be no little difficulty, however, in getting any scheme of this sort through Congress. The members were obsessed with the fear of speculation. "The bounty and liberality of the Government," Pope went on to explain, "has been so often diverted from the intended objects, that members of Congress are diffident in supporting applications of the nature of yours as they have no personal knowledge of you. I regret that your arrangements did not comprehend a visit to this place at this time as personal explanations might have advanced your plan, which seems to me replete with important advantages to the Territory, and well calculated to advance the happiness of the human family upon a more extended scale than appears from a limited consideration of its operation."

Birkbeck promptly answered Pope's letter, explaining what he had in mind in more detail. However, neither he nor Flower could give the project the personal attention without which success was hopeless. As a result nothing ever came of the government grant, although much was to be heard in the future of the English Colony of Illinois.

Early in the session Pope had an opportunity to aid in procuring an act of justice when Pierre Menard, then an Indian agent, informed him that the Piankeshaw had never received an annuity of $1,000 which should have been paid in 1812, and asked him to aid in having this sum sent to them as soon as possible. Perhaps Menard's letter reminded him of one that he himself had written four years earlier to Benjamin Stephenson, then territorial delegate. On that occasion it was the Kaskaskia who were suffering from government neglect. Pope had pictured their "wretched and starving condition," and had urged Stephenson to secure the payment of their annuity as an act of justice and humanity. But whether he remembered his own appeal or not, he took a hand in the matter so effectively that before the end of the session he was able to inform Menard that although the matter had given him "a good deal of trouble" he had received the Secretary of War's promise that the annuity would be paid.

While Nathaniel Pope was thus going about the ordinary duties of his office, a movement was in progress in Illinois which was to gain for him a permanent place in the state's history. Two days after he took his seat the legislature of Illinois laid before Governor Edwards a memorial to Congress praying that the territory be admitted to the Union as a state.

The memorial was the direct result of the activity of Daniel Pope Cook, Pope's nephew. Cook had settled in Illinois while Pope was territorial secretary and had studied law under his direction. In 1816, when he was only twenty years old, Edwards had appointed him auditor of public accounts. About the same time

he acquired an interest in the territory's only newspaper. Early in the following year he went to Washington, and from there he was sent to London as a bearer of despatches. Returning in September, he sought a political opening in Washington, but not finding a suitable one, he returned to Kaskaskia.

All indications are that Cook inaugurated the movement for statehood as the most likely means of creating a political career for himself. Certain it is that there had been no sentiment for immediate admission when Pope left for Washington in October, and that the step was first urged in the *Western Intelligencer* two days after Cook reached Kaskaskia on November 18, 1817. The paper's next issue contained a lengthy argument on the benefits of statehood, written by Cook over the signature of "A Republican." It was hardly likely, he admitted, that the territory contained the population—60,000—which under the ordinance would have entitled it to statehood, but it surely contained 40,000, and that had been sufficient for other states.

Three days after this communication was published on November 27 the legislature convened at Kaskaskia. On December 2 Governor Edwards delivered a message in which he forecast statehood for the territory and recommended that as a preliminary the legislature provide for a census to be taken and laid before it at the next session. This procedure, however, was too slow for the members. On the day the governor's message was received the house resolved that a memorial praying for statehood be drafted. On December 6 the memorial was adopted by the house; four days later it was approved by the council and sent to Edwards for his signature.

From this point the fate of the memorial depended upon Nathaniel Pope. Presumably the memorial was sent to him as soon as it received the governor's signature, for on January 16, 1818, he laid it before the House of Representatives. It was immediately referred to a select committee of which he was chairman. Five days later he summed up the situation in a letter to the *Intelligencer*. "I shall report this day a bill for the admission of the Illinois Territory into the Union, as an independent state," he wrote. "The only difficulty I have to overcome is, whether we have the population supposed by the Legislature; no enumeration of the inhabitants having lately been taken. In order to evade that

objection the bill contains a *proviso*, that the census shall be taken previously to the meeting of the Convention—I hope however to have that feature of the bill struck out before its final passage, if it passes at all, of which I have strong hopes . . . If it were certain that we had even thirty-five thousand inhabitants, no objection I think would be made to our admission. I had prepared a resolution to protect from waste the school lands, but if the law passes to admit the Territory to form a state government that matter will be under the control of the legislature of the State. I have therefore forborne to offer the resolution . . ."

On January 23, instead of the 21st, Pope reported his bill to enable the people of Illinois to form a constitution and state government. As soon as it was printed he sent a copy to the *Intelligencer*. "You will remark," he wrote to the editors, "that the northern line is ten miles north of the southernly extremity of Lake Michigan—Indiana goes as far north. When the bill is taken up, I will endeavor to procure twenty or thirty miles farther north, and make Lake Michigan a part of our eastern boundary. I shall not attempt to explain the importance of such an accession of territory; it is obvious to every man who looks to the prospective weight and influence of the state of Illinois.

"It will also be observed," he added, "that I have provided for a representation for but twelve counties. The simple reason is this. I have not heard whether any other counties have been created by the legislature at the last session. If however any new counties be created and notice of it be given to me in time, I can offer an amendment to embrace the new counties."

Over two months were to elapse before the enabling act was taken up for consideration. Pope waited impatiently but hopefully. Late in February he wrote that he hoped it would be considered early in March, and that he was "not without sanguine expectations of its success." On the 8th of March he informed Edwards that "the question of Roads and Canals continues to engage the attention of Congress. My prospects of success in making Illinois a state are not diminished. Nothing certain however can be calculated on." Not until April 4 did the bill come before the House.

At once Pope rose to propose two amendments. The first concerned the boundary. In the bill as reported, the northern

boundary was to be "an east and west line drawn through a point ten miles north of the southern extreme of Lake Michigan." Although this was ten miles beyond the line established by the ordinance of 1787—that is, a line through the southern tip of Lake Michigan—Pope was impressed with the advantage of extending the limits of the new state still farther. Accordingly he proposed that the line of forty-two degrees and thirty minutes north latitude, which was about forty-one miles north of the boundary set by the bill, be taken as the northern boundary.

He proceeded to support the amendment with an argument notable for breadth of vision. "The object of this amendment, Mr. P. said"—so runs the only report of his remarks—"was to gain, for the proposed State, a coast on Lake Michigan. This would afford additional security to the perpetuity of the Union, inasmuch as the State would thereby be connected with the States of Indiana, Ohio, Pennsylvania, and New York, through the Lakes. The facility of opening a canal between Lake Michigan and the Illinois river, said Mr. P., is acknowledged by every one who has visited the place. Giving to the proposed State the port of Chicago, (embraced in the proposed limits,) will draw its attention to the opening of the communication between the Illinois river and that place, and the improvement of that harbor. It was believed, he said, upon good authority, that the line of separation between Indiana and Illinois would strike Lake Michigan south of Chicago, and not pass west of it, as had been supposed by some geographers who had favored us with maps of that country; and, Mr. P. added, that all the country north of the proposed State, and bounded by Lakes Michigan, Huron, Superior, and of the Woods, and the Mississippi river, must form but one State, Congress being restricted, by the ordinance of 1787, from erecting more than five States in the Northwest Territory."

The second amendment also bore the mark of a statesman. As in previous enabling acts, the reported bill provided that five per cent of the net proceeds of federal land sales in Illinois should be used for the development of roads and canals. Pope proposed to amend this section by providing that only two per cent should be used for this purpose, the remaining three per cent "to be appropriated by the Legislature of the State for the encouragement of learning, of which one [sixth] part shall be exclusively bestowed

on a college or university." In explanation he said "that the fund proposed to be applied for the encouragement of learning had, in the other new States, been devoted to roads; but its application had, it was believed, not been productive of the good anticipated; on the contrary, it had been exhausted on local and neighborhood objects, by its distribution among the counties, according to their respective representation in the Legislature. The importance of education in a Republic, he said, was universally acknowledged; and that no immediate aid could be derived in new counties from waste lands was not less obvious; and that no active fund would be provided in a new State, the history of the Western States too clearly proved. In addition to this, Mr. P. said, nature had left little to be done in the proposed State of Illinois, in order to have the finest roads in the world. Besides, roads would be made by the inhabitants as they became useful, because the benefits are immediate; but not so with endowments to schools. The effects of these institutions were too remote. Nor would the interest of the United States be impaired by this plan. The land on the roads was generally private property before the opening of the road; and the benefit resulting to the United States from the stipulation would be found alone in the exemption from taxation, for five years, of lands sold in the State."

Both amendments were passed without a division. A few others of minor importance were received, whereupon the bill passed unanimously.

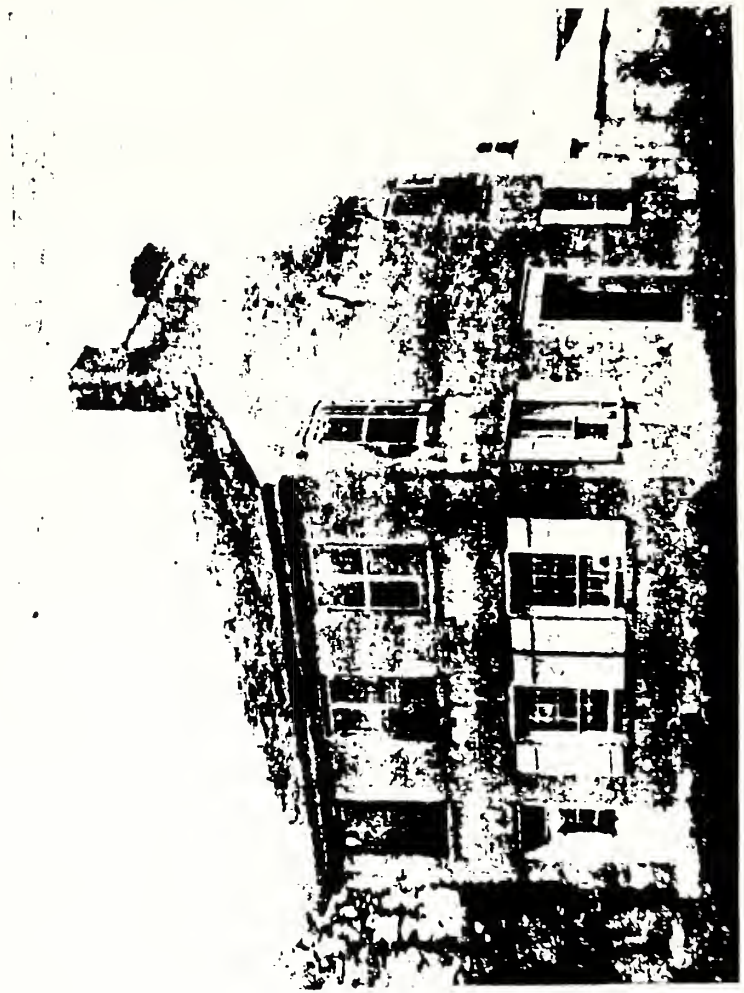
On April 14 the Senate also passed the bill, adding some unimportant amendments in which the House concurred at once. The next day Pope reported his success to his constituents in an enthusiastic letter. "Some jealousy was felt against our gaining so much territory north, say sixty miles," he wrote,—"but the bill passed. We may say with truth, that we will enter upon a state government with better prospects than any state ever did.—The best soil in the world, a mild climate, a large state, with the most ample funds to educate every child in the state; however poor, a man may well hope to see his child rise to the head of this mighty nation, if he have talents and virtue. Our avenues for navigation are towards the east and the west, the north and the south."

Several months later, a constitution for Illinois was laid before the House of Representatives and admission as a state re-

quested. But in this, the final step in the movement, Nathaniel Pope was to have no part. On February 21, 1818, in a letter which was printed in the *Intelligencer* two months later, he announced his determination to retire from public life. "I should have made known my intention of declining long ago," he added, "but I feared that the knowledge of it here would lessen my capability of serving the territory during the remainder of the term of my service." "We are assured by gentlemen of intelligence," the editors commented, "that Mr. Pope stands high with the administration, and were he to continue in the political corps of his country, and particularly of this territory, we have no doubt but he would be highly useful. It is to men of his firmness and abilities that we are always to look for our political welfare."

There is nothing to show that Pope took any part in the campaign for the constitutional convention which agitated Illinois in the spring and early summer of 1818. Indeed, the election of delegates was only three weeks off when he and his family reached Kaskaskia on the 15th of June, and most of the intervening time he spent in putting private affairs in shape and in completing transactions which he had undertaken in Washington for friends and constituents.

Nevertheless, Pope had no little interest in the convention which met at Kaskaskia early in August to frame a constitution for Illinois. Like most of his fellow citizens, he had been speculating in land ever since he had settled in the territory. Here was an opportunity for a major stroke. The object of his concern became evident on August 18, when one of the delegates laid before the convention a number of proposals from owners of prospective capital sites. Among them was one from Pope relative to Pope's Bluff, a tract on the Kaskaskia River in the southeastern tip of Bond County. Two days later there was lively manoeuvering on the question of the location of the capital, but resolution after resolution, each providing for a different site—Pope's Bluff among them —was voted down. The next day the matter was settled, temporarily at least, by a compromise. Kaskaskia was to remain the capital for the time being, but the first general assembly was instructed to petition Congress for the right to preëmpt four sections on the Kaskaskia River, and if successful in the appeal, to lay out



TERRITORIAL CAPITOL AND FIRST STATE HOUSE, KASKASKIA

a town on the grant. Otherwise the legislators were to locate the capital where they thought best.

Although disappointed for the time being, Pope still hoped for success. On August 24 he submitted an amended proposal. If Pope's Bluff should be selected he promised to donate "a handsome public Square for the capital, at least four acres for a penitentiary, at least one acre for the Governor's house and one block of lots for the Great State College." Two days later, however, the convention adjourned without having reconsidered the capital question.

Adjournment, which marked the successful completion of the convention's work, was the occasion for celebration in the old town of Kaskaskia. A military company, in uniform, drew up before the little capitol, and the citizens gathered behind the soldiers. Ninian Edwards, Joseph B. Phillips, territorial secretary, Pope and other prominent men looked on while a field piece fired twenty rounds in honor of the newly adopted constitution.

Meanwhile, Pope had changed his mind about retiring from public life. Perhaps, when he announced his retirement, he had plans for an appointive office which failed to materialize; perhaps he felt that as a member of the legislature he might be in better position to engineer the location of the capital at Pope's Bluff. At any rate, the *Illinois Intelligencer* for August 19 announced that he was a candidate for the House of Representatives. Three others entered the contest for the two seats assigned to Randolph County. On the whole it was an apathetic contest, and one with a strange result so far as Pope was concerned. Although he enjoyed the prestige of having guided the state's admission to the Union, he found himself defeated by two men hardly known to politics. Worse than that, the returns showed that out of a total of 775 votes, only 175 were cast for him.

Apparently he was to live the life of a private citizen whether he wished to or not. But not for long. Early in October the register of the land office at Edwardsville died. On November 9—which must have been almost as soon as the news reached Washington—the commissioner of the general land office notified Pope of his appointment to the place, and asked that he qualify at once by taking the oath of office and executing a bond for $10,000. Public announcement of his appointment was made on December

9; on the 16th he opened the office, which had been closed since his predecessor's death.

For four and a half months Pope performed the prosaic duties of his new position. However, the fact that he never removed his family from Kaskaskia indicates that he looked upon it merely as a stop-gap. One of the first acts of the new legislature, which met early in October, 1818, had been to elect Ninian Edwards United States Senator, and it is probable that he left for Washington intent upon securing a first-class office for his cousin and political associate. Whatever the explanation, on March 26, 1819, John Quincy Adams forwarded to Pope a commission as United States judge for the district of Illinois. Six weeks later he turned over the books of the Edwardsville land office to Edward Coles and started for Kaskaskia and his family.

VI

Henceforward Nathaniel Pope's life was to move in a straight line, in spite of the fact that he tried to change its course more than once. For the first nineteen of his thirty years on the bench he was to be the sole representative of the federal judiciary in Illinois. It was not an arduous task. Although the entire state was his district, its population was relatively small. Moreover, the agricultural character of the commonwealth, together with the fact that land titles were derived directly from the United States, eliminated much of the litigation with which federal judges sitting in older communities were burdened. Congress anticipated the likelihood that the district court of Illinois would have little to do, and conferred upon it the powers of the circuit court as well as those with which it was endowed by law. Not until 1837 was a judge of the United States Supreme Court assigned to circuit duty in Illinois.

Pope held his first court at Kaskaskia in December, 1819. "Owing to the recent organization of the court, there is not much business before it," commented the *Illinois Intelligencer*. The following spring—two sessions a year were provided for—court convened again. This time it met at Vandalia, the new capital then being built on the grant secured from Congress. Here, for the next eighteen years, Pope was to journey twice a year, hold court for a few days, and return to Kaskaskia.

The new capital city commenced its career with high hopes. "Vandalia. . . . is improving rapidly," wrote a correspondent of the *Edwardsville Spectator* at the time the first United States court was held there. "The hall of the state-house is up, and will shortly be completed. There are many other large and spacious buildings going on, some brick as well as frame; and it is expected that the accomodations for members of the next legislature, as well as visiters [*sic*], will be very good, as there are several houses preparing for their reception. . . . Several of the officers of the state government are moving their families, and the society will soon become good." But this was a premature prediction, for in spite of the small boom which marked its first year, the town never really flourished. Its population grew slowly, building lagged, and society never quite became 'good.'

But Vandalia's failure to fulfill the hopes of its founders could hardly have made much difference to Nathaniel Pope. It was a rare court session which lasted more than three days. Ordinarily court convened on Monday and adjourned the following Wednesday, the docket completely cleared. Illinois, in the 1820's and '30's, was without the complexity of social and commercial organization which gives rise to a heavy volume of litigation. Moreover, for several years many causes which might have found their way to the United States court were held in abeyance by reason of a defect in the law regulating the issuance of process in suits at common law. Even after that was remedied, there was little for Pope to do. As late as 1834 the *Vandalia Whig* was reporting that the United States court met on Monday and adjourned Wednesday morning; "little business was before it."

Six years after Nathaniel Pope's death the records of his court were removed to Chicago, where every scrap was destroyed in the great fire of 1871. Before the holocaust, however, three volumes of transcripts covering a few limited classes of litigation were made and sent to Springfield. From these, and occasional newspaper notices of cases of especial interest, the story of his years on the bench must be pieced together.

From the latter source we learn of the trial, in May, 1821, of two Indians for the murder of two United States soldiers stationed at Fort Armstrong on Rock Island. A column and a half in the *Illinois Intelligencer* of Vandalia was devoted to a report of the

case—a rare occurence in the journalism of a century ago. The soldiers were shot from ambush within a mile of the fort, and the guilt of the two murderers was established by the testimony of a third Indian who had been with them at the time of the assault. Pope sentenced them to death by hanging. The presence of an aged chief of the tribe at the trial gave it a dramatic character. After sentence was passed the chief came forward and addressed the court in a few pathetic sentences in which he sorrowfully compared the waning power of his own race with the strength of the white children of the Great Father. "When I came down here," he concluded, "I had hoped to find that Che-wa-cha-ra and Whorah-jin-ka had been better treated, but my heart is oppressed at the cruelty that they have received. I did hope that pity would have been found for them, and that mercy would be showu them. But let peace be between us."

For the most part, the cases which the transcripts disclose were more prosaic but no less accurate reflections of frontier conditions. Merchants of Philadelphia and other commercial cities often brought suit for the collection of promissory notes given by frontier storekeepers—graphic demonstration of the West's dependence upon the East for capital. The isolation of the frontier, and its moral laxity also, are revealed by the federal government's prosecution of dishonest officers. So frequent were suits against defaulting postmasters, saline agents, army commissaries, marshals, land office receivers and their bondsmen, that one is tempted to believe that dishonesty in office was the rule rather than the exception.

Occasional cases demonstrated other attitudes of a new community. In 1824, for example, the United States charged William Skinner with felling 5000 trees on government land, and brought suit for damages in the amount of $1000. The jury found the defendant guilty, and assessed the plaintiff's damages at $12.50! A case tried in the following year was even more illuminating. In 1822, the record recites, a citizen of Virginia sold to a citizeu of Illinois "a certain negro man named George," who was indentured to serve until August 1, 1824, when he was to be manumitted. In order that the manumission should be carried out, the seller bound the purchaser, under a bond of $1000, not to remove the negro from St. Louis nor to sell him to anyone who should remove him from that city or its immediate neighborhood. But, so the plain-

tiff charged, within a year the negro was sold and removed in violation of the bond, and therefore damages in the amount of $1500 were sought. The jury found the defendant guilty as charged—and awarded the plaintiff $7.00!

With Pope's official position making few demands upon him, it is not surprising that for a number of years he continued to take part in politics. For ten years he had been an active politician, and had formed habits of thought and action difficult to break.

During the territorial period the old factional alliances between the supporters and opponents of William Henry Harrison, which Ninian Edwards had observed with so much dismay when he assumed the governorship, had gradually disappeared. In the course of time, however, other party groupings developed. As before, there was no division along the lines of political principle, for all professed to be followers of the doctrines of Thomas Jefferson. Instead, factions formed for the sole purpose of securing office. At the time of the state's admission one such group of officers-holders and aspirants recognized the leadership of Ninian Edwards, while another fraction contested the claims of the Edwards following to supremacy. The result, as John Reynolds put it, was a bitter, never-ending struggle between the "ins and the outs."

Allied to Edwards both by position and relationship, Pope was one of the faction's leaders, and he continued to act as such for a number of years after his appointment as judge. In the summer of 1819 he took an active part in the campaign of another Edwards lieutenant—his own nephew, Daniel Pope Cook—for Congress. Describing the activities of his opponents, Cook informed Edwards that "Mr. Pope is all alive on the subject, since they avow a determination to break down the party, as they call it, and prove its feebleness before the people."

Three years later the part which Pope played in the important campaign for governor may have been decisive. This time there was more than an office at stake. Ever since the admission of the state there had been on foot a strong movement to legalize slavery. The difficulty of securing laborers and domestic servants was turning the thoughts of a populace largely southern in origin to the labor system of the slave states; and further impetus was given to the movement by the fact that wealthy southerners, emigrating westward, were showing a marked preference for the slave state of Missouri instead of Illinois. In 1822 the first test of strength came between the pro-slavery forces and their opponents.

There were four candidates for governor. Three were avowedly anti-slavery; the fourth, Joseph Phillips, favored the legalization of the institution in Illinois. The danger was, of course, that the anti-slavery vote would be so badly split that Phillips would be elected. It was a possible result which Pope, though long a slaveholder, was determined to prevent. Accordingly, he attempted to rally the Edwards faction in support of Thomas C. Browne, one of the other candidates, but without success. He then tried another tack. Prominent among the candidates was Edward Coles, a "stiff little Virginia aristocrat" whom he personally disliked. Still, Coles had some following, and he was an ardent opponent of slavery. His chances for success in the campaign, however, were greatly diminished by the opposition of Hooper Warren, editor of the *Edwardsville Spectator*, who also disliked him personally. Pope, seeing in Coles the only candidate by whom Phillips could be beaten, undertook to convert Warren.

Years after the campaign Warren described what happened. "In the spring of 1822," he wrote, "four months before the election, Judge Pope came up to Edwardsville from Kaskaskia; and, calling upon me, he remarked with much earnestness, 'If you do not want Phillips elected, you must let Coles alone.' And he went on to demonstrate that such was the fact. I had supposed that every vote I could take from Coles would go to Browne or Moore. But the Judge showed conclusively that the prospect of Phillips was rising rapidly, and that of Coles as fast declining." Accordingly, Warren ceased his attacks, and Coles was elected. With what was probably an excess of confidence in the power of his paper, Warren declared that Coles owed his election "to the call of Judge Pope upon me, in his behalf—a man who did not care any more for him than I did." Granting the over-statement, it may at least be said that the incident proves Pope's sincerity in the slavery contest, and reveals his willingness to sacrifice personal and political considerations to keep Illinois a free state.

Pope's next venture into politics was on his own behalf, and in a field far removed from Illinois. At Washington there had long been dissatisfaction with the Supreme Court of the United

States, arising both from the conservative views of a majority of the seven members, and from the fact that the judges had not been assigned to circuit duty in several of the western districts. Various measures intended to 'rectify' the situation had been proposed, but all had failed of passage. Late in 1825, however, a judiciary bill was introduced which seemed certain to become law. It provided for an increase in the membership of the court from seven to ten, and for the incorporation of the western districts in the circuit court system. It was generally agreed that a western candidate would be chosen for the western circuit.

Early in 1826 Pope let it be known that he was a candidate for one of three additional judgeships. At first sight, his chances were good. John Quincy Adams, the President, had married a sister of John Pope's wife, and entertained a friendly feeling for Nathaniel. Moreover, in the House of Representatives Daniel Pope Cook had cast his vote for Adams, and had suffered at the hands of his constituents for his 'defection.' William Wirt, Attorney General, had long been a friend of his family.

To those on the ground, however, Pope's chances were doubtful. "The Judiciary Bill will pass," Cook wrote to Edwards from Washington on January 28, 1826, "and I now am inclined to think that Pope's chance to be Judge is not very good." Soon afterward Pope went to Washington himself. "Pope is here working away for the Judgeship," Cook wrote early in March, "but everything is in a state of uncertainty."

By that time the situation had been complicated by the death of Thomas Todd, one of the judges of the Supreme Court. Thus a vacancy in the old court was to be filled, in addition to the three new appointments to be made if the bill before Congress should pass. All depended, however, upon the passage of the bill and the disposition to be made of the various circuits. On May 2, 1826, Daniel Webster, who had introduced the judiciary bill in the House, wrote to a friend: "A pretty satisfactory arrangement will be made as to the Judge. The Present Postmaster General (John McLean of Ohio) will be named in case Ohio be separated from Kentucky. Otherwise I conjecture the Judge in that quarter will be N. F. Pope, at present District Judge of Illinois."

But in the end the judiciary bill died, the two houses being unable to agree on amendments. No new appointments were necessary, and the circuits remained the same. As to the vacancy caused by Todd's death, geographical considerations required that his successor be appointed from his own state—Kentucky—and thus an end was put to Pope's candidacy.

Failing in his effort to secure advancement in the judiciary, Pope turned to a different field—the United States Senate. In 1824, when John McLean[1] had been elected to fill an unexpired term, he had received three votes; in 1828, when McLean was to come up for re-election, some believed that Pope might successfully oppose him. The pre-election manoeuvering, however, was complicated by a congressional election which disrupted the old factional alignments and cost Pope what little chance he had. In the contest Ninian Edwards chose to support George Forquer against Joseph Duncan, but Pope refused to follow his lead and remained neutral. Edwards, piqued, declined to support his senatorial pretensions, and secretly promised his aid to McLean, his own former antagonist. "You may think it strange that I will not go for Mr. Pope," he wrote to McLean. "The reason is plain; if he chooses to leave his old friends I will not go with him."

It was not so much the desertion of Edwards, however, as it was the rapidly waning power of factional politicians generally that accounted for the failure of Pope's aspirations. The people were fast tiring of candidates who relied solely on factional animosities for support. In the congressional campaign Duncan, who had never been prominently allied with the dominant groups, won an easy victory, while in the senatorial election McLean was re-elected unanimously.

Six years later Pope made another attempt for the senatorship. "You have or will have heard that I am held up as a candidate for the Senate of the U. States," he informed Henry Eddy of Shawneetown. ". . . I have no idea how it will do. My geographical position will militate against the project. But it was thought probable that my chances were better than those of any one who could be thought of." By the latter part of September he was

[1] This John McLean should not be confused with John McLean of Ohio, mentioned in connection with Pope's candidacy for the Supreme Court. John McLean of Illinois was a Shawneetown lawyer who had been one of the leading opponents of the Edwards faction in politics. John McLean of Ohio was a Cincinnati lawyer who was appointed to the Supreme Court in 1828 upon the death of Robert Trimble, Thomas Todd's successor. More will be said of him in connection with Pope's last years on the bench.

still in the dark as to his prospects. "In the Senatorial election non-committal seems the order," he wrote.

To other, more practised politicians his prospects presented no such problem. John Reynolds dismissed his candidacy in four curt, characteristic sentences. "I hear by Col. Dement," he wrote, "that Judge Pope is out for the U. S. Senate. This will not do. He is too long out of use. Wants greese and friends." Reynold's prediction was correct. When the legislature met in December to elect a senator, Pope received not a single vote.

It was his last attempt to secure political office. The political system which he had known had disappeared. The days of factional politics were over in Illinois. In their place had come alignment along national lines, Jackson men and anti-Jackson men. And as time went on Nathaniel Pope, old Jeffersonian that he was, diverged more and more from the militant Democratic majority. A cordial supporter of Adams' administration, the excesses of Jackson's supporters disgusted him—"senseless noise" he characterized their exuberance. Ultimately he was to be found in the Whig party. Gustave Koerner described an incident which typified the political faith of his last years. Koerner, an ardent Democrat, was defending some measure of party policy to Pope. "Sir," he replied in what Koerner called his Johnsonian manner, "I despise a young man who is not a Democrat; but a man of forty who is not a Whig I also despise!"

During the years when Pope was holding short terms of court at Vandalia and hoping for political advancement, great changes were taking place in Illinois. The state was growing rapidly. Its population, less than 40,000 in 1818, increased to 157,000 in 1830 and leaped to 476,000 in the ten years which followed. Large numbers of the new settlers were finding homes in the northern half of the state, which had been entirely unsettled in 1818. The shift in population meant a decline in importance for the southern part of the state. Kaskaskia, once the foremost town, sank into the relative obscurity of a small county seat.

Nevertheless, Pope continued to live there, complaining occasionally of its quiet, but on the whole, happy. The old French town possessed an air of maturity, of unconcern with growth and progress, that had no little attraction for a certain type of mind. Morever, it was one of the few places in the state where, during



KASKASKIA IN THE LATER YEARS OF POPE'S RESIDENCE THERE

his lifetime, a cultivated society might be found. Travelers might complain of the dilapidated appearance of its ancient buildings, of the slovenliness of its citizens and their lack of enterprise, but they rarely failed to mention the comfortable homes in which the leading inhabitants of the town lived and the atmosphere of gentility and distinction which permeated them.

Into the life of the town Pope entered fully. If subscriptions were taken or memorials passed, his name was certain to be found among the signers, whether the object was the founding of a Bible society, the establishment of a school or the formation of a bank. On occasion, his interest in the place of his residence took substantial forms. In 1819, for instance, when plans were made for the construction of a court house, he donated a tract of land in Kaskaskia for its site, and contributed $300.00 toward the cost of the building erected upon it. Later, when a company was formed to build a bridge across the Kaskaskia, he became its president as well as one of the principal stockholders.

With the removal of the capital to Vandalia, not much happened in Kaskaskia. In 1825, however, there came a day when the town was all excitment. The occasion was the visit of the Marquis de Lafayette, then making a tour of the United States. Only a few hours' notice of his coming was given, but a committee on arrangements, of which Pope was a member, was formed, and hasty preparations were made for his reception. The townspeople met him at the boat landing and escorted him to the home of General Edgar, where a reception was held. Revolutionary soldiers, who had served under him in Brandywine and Yorktown, were presented while in the doorways the last of the Kaskaskia Indians looked on in sombre silence. A dinner at the tavern of Colonel Sweet, decked with laurel wreath and roses, followed. After the tables were cleared the guest of honor was praised in innumerable toasts—"the champion of the rights of man," "the consistent friend of liberty and man," "the protector of American liberty." The final event was a ball at the home of William Morrison. It was a day to be remembered, a high point in Kaskaskia's placid existence.

Various interests and activities kept time from hanging too heavily on Pope's hands. For a number of years there was the fascinating business of land speculation. The procedure was to stretch one's credit to the limit and buy all the land one could,

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and then hold for the increase in price which was certain to come. Pope, Edwards, Cook—all the officers of the territorial government, in fact—plunged heavily. A letter which John Reynolds wrote to Ninian Edwards in 1818 reveals the high hopes which animated them. "Mr. Pope concluded the affair of the Piasa Land," he wrote. "I have executed to him an equal fifth of the claim; and has made the same contract in writing to you. . . . As to the value of the Land it is immense. Major Hunter of St. Louis (so reports say) gave Meachan $10,000 for half of one quarter sec. of the Denegen Entry. . . ."

Edwards' speculations were successful and made him wealthy, but Pope was less fortunate. As Kaskaskia declined in importance, land which he owned in the vicinity failed to raise in value. It was a blow, too, when Congress reduced the price of government land from $2.00 to $1.25 an acre in 1820. The Pope's Bluff project failed, and his title to a number of town lots in Alton became involved. In the end, he lost most of the money which he had invested.

In 1829 Pope built a steam saw and grist mill at Kaskaskia. A letter to John Messenger, written in August of that year, reveals him as somewhat deficient in the technical knowledge of mill construction. "I am looking for an Engineer and some articles necessary for my steam engine," he wrote. "As soon as they arrive I shall need you for advice and shall send for you. In the meantime I wish you would visit St. Louis and examine the mill about three miles above it. My driving mill is to be of wood. I wish to have it not less than twelve feet diameter. A mill-wright in Kentucky thinks it too large. I can't see why. . . . I shall have to season my timber by boiling or steaming. What think you of it? How long must we delay after it is steamed or boiled before it can be used with propriety?" Several months later Mrs. Pope wrote to one of her daughters, then visiting at Louisville, Kentucky, that the mill had eaten up all of Pope's resources, and added: "We know not when we shall ever reap any benefit therefrom." However, in spite of the owner's inexperience it was finally completed, and Pope operated it for a number of years.

The winter of 1833-34 found Nathaniel Pope engaged in a difficult and delicate undertaking of more than ordinary interest. In 1779 and 1780, when George Rogers Clark's regiment was at

Kaskaskia, Pierre Menard had honored a number of drafts drawn by Lt. Col. John Montgomery, commanding in Clark's absence. Menard had presented them for payment in 1781, only to have them disallowed on the technical ground that they were not drawn by Clark himself. Soon after Pope settled in Kaskaskia Menard placed the drafts in his hands, and since the chance of collecting them seemed small, agreed to give him half of whatever he might realize upon them. While he was in Congress Pope tried to get a settlement for them, but without success.

Thus the matter stood until 1833, when several claimants secured judgments against the state of Virginia for Revolutionary debts of a different character. As a result, the state passed a law providing for the examination of certain classes of claims. Although Menard's claim was not included, Pope was encouraged. Early in 1834 he set out for Richmond, where he remained for several weeks. He was highly successful. He secured the passage of a law providing for the appointment of a commissioner to investigate debts of the kind in which he was interested, and then he obtained the commissioner's approval upon Menard's claim. It was a sizable sum, approximately $44,000 in all.

The Richmond negotiation, however, was only the first step. When Virginia had ceded its western lands to the United States, the general government had assumed the unpaid obligations which the state had incurred in the Revolution. Consequently, the second part of Pope's task was to secure an appropriation from Congress. From Richmond he went to Washington, where he tried to secure the passage of a special appropriation. He met with little encouragement. Between 1834 and 1838 he was in the national capital at least four times for the same purpose. Never was he successful. Still, hope never departed.

Although he failed to attain the object of his visits, months spent in Washington offered sights and scenes and glimpses of politics which he obviously enjoyed, and which he passed on to his family with relish. "If you were here you would see plenty of fine ladies riding in their fine carriages," he wrote to Cynthia and Lucretia in February, 1835. "A great many of them go every day to Congress to hear the members speak. When Mr. Clay is to speak they crowd the Senate Chamber to hear him. They like to hear him better than any other person. Yet they like very much

to hear Mr. Webster, Calhoun & Preston. The Capitol," he added, "is a splendid building built of stone, all sawed. It has a great many rooms in it, so that people may get lost. There is one room in it called the rotunda without windows and covered with glass. That room is three times as large as our whole house galeries kitchen & all."

A street sight took his eye. "You would have been highly diverted today," he wrote the two girls, "to see a large ox from Rhode Island marched through the streets covered with ribbons, an orange on each horn. Before him went two fiddlers playing & a man playing the tambourin—one man carrying the flag and another the axe decorated with ribbons. He is to be killed tomorrow. You never saw the like of the boys of all sizes in the procession. They say he weighs four thousand and has been sold to the Butchers here for five hundred Dollars."

Politics was a source of continual interest. Washington was still a small city, where it was possible for a visitor to meet and know most of the individuals who seemed to the country at large to dwell on inaccessible heights. That Pope enjoyed mixing with them, that he took keen pleasure in picking up and passing on the current political gossip, is apparent from his letters. Even in letters to his wife speculations on Van Buren's financial policy and its probable political effects were likely to intrude between comments on the childrens' health and his own longing for home.

For there, to an increasing degree as the years passed, his interests centered. Children had come at regular intervals. Frontier conditions and the backwardness of medical science had taken their inevitable toll, but even so, two sons and four daughters survived. Their presence in the rambling home at Kaskaskia made absence from the quiet old town a hardship to be endured instead of a pleasure to be enjoyed. "I will be home as soon as I can," he wrote from Washington in February, 1835. "I love home better than any where else. Every time I go from home I enjoy myself less & less. The people here are very fine and very polite, it is true, but still I am happier with you all." Two and a half years later he wrote again from the capital: "This world has few attractions for [me] out of my domestic circle. To be spared to love and cherish and sustain in the decline of life your beloved mother and to advance my dear children is now my almost only

wish. That accomplished I feel that I have in a great degree fulfilled my destiny." Always, when absent, he expressed the keenest desire to hear from home, and his own letters to his family, and especially to his wife, were marked by tenderness and affection.

As the children neared maturity, Pope felt deeply a parent's obligation to impress the wisdom of experience upon them. A letter to John, written from Washington in September, 1837, is filled with advice on thoroughness, promptness and economy. "You cannot be too seriously impressed," he wrote, "with the necessity of doing things right and in apt time. Such men are always men of leisure. If you hear a man say he is hurried and his business is behind hand and apologise for doing a thing incorrectly because he was too much hurried, you may be sure that he is very lazy or deficient in systematic arrangement. Hence do your work and do it correctly and then play. . . . No man is [as] worried with his affairs as the indolent man. Be always ahead of your business. Think of this my dear son and practice upon it and you will be a useful and happy man. These are the suggestions of experience. I do not pretend," he concluded in contrition, "that I have always acted up to them. On the contrary I confess that I have failed to a great extent."

"I am sorry that you are not here," he wrote in the same letter, "because you might have your views enlarged and your ambition awakened by the congregation of the great men of the nation now here. And why are you not? The want of money—so you see money is a very useful article — essential to our profitable gratifications. This deprivation to you of a highly useful and agreeable journey should admonish you to husband your funds and not waste them upon foolish gratifications. We are too apt when young to undervalue economy and not awaken to a sense of the error until too late to repair it."

Anxious as he was that his children should escape at least some of life's hazards, he had no disposition to judge harshly when they slipped. "Fear not my beloved child any reproaches from your father," he wrote to Penelope with reference to some youthful indiscretion. "If you have erred your own good sense and clear conception of propriety have rebuked you sufficiently." And to Mrs. Pope he wrote of John, who apparently had got into some sort of difficulty at the beginning of his West Point course:

"John's letter is of the most gratifying character. Poor fellow he supposed me ignorant, but I was not—enough had transpired to awaken the keenest anxiety, but as you are so unwilling to believe I kept them [his fears] to myself. He is at the most dangerous age and it is to be hoped that his time will be so fully employed that there will be no danger of a relapse."

William, the oldest child, entered the United States Navy in 1829 and served for ten years. When Pope was in the East in the spring of 1834 his keenest pleasure came from acquaintance with those who knew his son, with whom his own contacts were necessarily infrequent. He spent a day at the Norfolk Navy Yard in the hope of finding someone who knew him. "I met with an old, old maid," he wrote to his daughter Penelope, "who remembered our dear William and by her I sent a message to him. . . . My desire was to contract as many acquaintances there as possible in the hopes of serving him. At Richmond my roommate was Captain Duncan with whom William sailed and of whom he spoke in his letters with such decided affection. Never was companion more interesting." Once it seemed that his fondest hope—a meeting with his son—would be gratified. "On my return from Richmond," he wrote, "on entering the harbor of Norfolk, a gentleman on board exclaimed 'There is the Lexington [William Pope's ship] just arrived from the coast of Brazil.' Imagine the joy that thrilled through my whole frame. But it was not the Lexington."

Mixed with affection for his children was pride. At Richmond he noted gratefully that Captain Duncan spoke of William "with great approbation—of his assiduity, attention to his duties and correct moral deportment &c &c." He was disappointed when John ranked seventeenth in his class at the military academy—there were fifty-six graduates in 1842—but five years later, when the general assembly of Illinois presented a sword to the young soldier in recognition of his gallant conduct at the Battle of Monterey, the father's gratification touched many of those who attended the ceremonies. Nor was he proud only of his sons. To Lucretia he wrote from Springfield: "I recd your letter this morning and sent it to Cynthia with orders to write to you. I have not time today. I did wish you were here yesterday when I delivered the opinion in the case of Smith (the Mormon Prophet). She sat by my side, it would have made me most happy if you had been on the other side."

As the years went by the Pope children left the family home one by one. While William was in the navy, Penelope married Beverly Allen, a St. Louis lawyer, and Elizabeth, Dr. Thomas Hope. The void their absence left can be sensed from a letter written by Pope to his wife in the late autumn of 1836. Mrs. Pope had taken the three remaining children on a visit to her daughter in St. Louis while her husband had remained in Kaskaskia. "No news from you since you left home," he wrote. "Your letters would break upon the tedium of my life. In the day I lounge about trying to get winter supplies and to engage hands to repair Susan's house and inclose my garden. On Monday Davis promises to come and another hand. Montrois has promised the pailing early in the week. So if there be no disappointment Susan's house will be put in order, the carriage house built, the garden inclosed and our fireplaces repaired, before your return. I trust your & the children's society has been serviceable to Pen. If so I am content to be alone awhile. At night Mr. Bosen reads to me until ten o'clock and then we go to bed. I have never eaten from home but once and never tasted tea but once which was last night on occasion of Govr Kinney's supping and spending the night with us."

VII

About this time loneliness and the tedium of eventless days began to be alleviated by steady increases in court work. The rapid growth of Illinois was having its effect. Villages were growing into towns and towns were becoming cities, commerce was expanding and financial transactions becoming intricate. A noticeable increase in the work of Pope's court followed.

The first result of the increasing volume of litigation was the extension of the circuit court system to Illinois. Under the federal judicial system in effect throughout Pope's career on the bench there were two different grades of United States courts in addition to the Supreme Court. First came the district courts, each district, generally speaking, being composed of a single state. Then came the circuit courts, varying in number as new states were admitted to the Union. Each circuit was composed of one or more districts. Two judges, the district judge and one of the justices of the United States Supreme Court, presided over each

circuit court. Although the circuit court exercised a limited appellate jurisdiction, both were primarily *nisi prius* courts dealing with different items of legislation. Thus the district court had cognizance of admiralty cases, minor offenses against the federal criminal code, and suits involving less than $500; while more important criminal cases, suits involving copyrights and patents, and those in which more than $500 was at issue were brought in the circuit court.

In 1837 Illinois was made a part of the seventh circuit, made up also of Ohio, Indiana and Michigan. The first circuit court was held in Vandalia in June of the following year, with Justice John McLean and Pope presiding. For the next eleven years, except when illness prevented the attendance of one or the other, the two men held court together every summer. At the winter sessions Pope, as district judge, sat alone.

The increased business of the federal courts soon found reflection in the local newspapers. "Vandalia is full of strangers," wrote the correspondent of the *Sangamo Journal* on June 4, 1838. "The United States District and Circuit Courts, as well as the Supreme Court of the State are now in session. . . . The United States District Court was opened this morning and the docket read over." The following summer the Vandalia paper stated that an unusually large docket confronted the judges. Accounts of individual cases, heretofore almost unknown, became more common. "A negro man charged with stealing the Express Mail some months since at Illinoistown, was tried during the late term of the U. S. Circuit Court, in this place, convicted and sentenced to three years confinement at hard labor in the State Penitentiary," the *Vandalia Press* informed its readers in June, 1838.

In 1839 the state offices were transferred from Vandalia to Springfield, and the federal courts followed. The first session in the new capital so impressed a young Chicago lawyer, Isaac N. Arnold, that forty years later he was able to recreate it in vivid detail.

> If we could, in fancy, enter the United States Circuit Court Room. . . we should be impressed with the majestic figure, imposing presence and dignified bearing of the presiding Judge, John McLean, a Justice of the Supreme Court of the United States. His person and face were often compared

to Washington's—whom he is said to have strikingly resembled.

Nathaniel Pope, the District Judge, was shorter and stouter in person, more blunt and sturdy in manner, and not so familiar with the law-books, the cases, and literature of the law, but of a most clear, rigorous and logical mind. If we enter their court, then held, if I am not mistaken, in one of the churches in this city, we should find Ferris Foreman, the United States District Attorney, presenting the case of "The United States *vs.* Gratiot," then a historic name in Missouri and the Northwest, in a case arising under a lease, by the Government, of a portion of the lead mines of Galena. We should hear the late Judge Breese making a very learned argument for the defense. If we lingered until the next case was called, we should hear the sharp, clear, ringing voice of Stephen T. Logan opening his case. If we remained until the trial ended, we should concur in the remark that this small, red-haired man, inferior in person, but with an eye whose keenness indicated his sharp and incisive intellect; this little man, take him all in all, was then the best *nisi prius* lawyer in the State, and it would be difficult to find his superior anywhere.

For the first time since Pope's appointment to the bench, it is possible to speak with certainty of the character of the litigation which came before him. Frequent glimpses of criminal cases appear in the newspapers. Thus one learns that at the June term, 1840, three mail robbers were tried, convicted and sentenced to the penitentiary, while at the same term a year later the postmaster and assistant postmaster at Carrollton were convicted of opening mail and taking out money. At the same term a former register of the Vandalia land office was convicted of theft—a victory which the government followed up at once by filing suit against his securities to recover the amount of his defalcation.

Now and then a case was so full of drama or so heavy with political consequences that it aroused wide interest. Such was *Ex parte Joseph Smith, (the Mormon Prophet), on Habeas Corpus,* which came before Pope alone at the December, 1842, term of the district court. On the application of the governor of Missouri the governor of Illinois had issued a warrant for the arrest of Joseph Smith, the leader of the Mormons then residing at Nauvoo in the western part of the state. Smith was charged with having instigated an attempt upon the life of Ex-Governor Boggs of Missouri.

Wishing to test the legality of the warrant, Smith came to Springfield and submitted to arrest, whereupon his counsel, Justin Butterfield of Chicago and Benjamin S. Edwards of Springfield, sued out a writ of *habeas corpus.*

In addition to arousing great interest, the case gave rise to an episode which has found a lasting place in the lore of the Illinois bar. Isaac N. Arnold's account of what happened cannot be improved.

> The Prophet (so-called) was attended by his twelve Apostles and a large number of his followers. . . . The court room thronged with prominent members of the bar, and public men. Judge Pope was a gallant gentleman of the old school, and loved nothing better than to be in the midst of youth and beauty. Seats were crowded on the Judge's platform, on both sides and behind the Judge, and an array of brilliant and beautiful ladies almost encircled the Court. Mr. Butterfield, dressed *a la Webster,* in blue dress-coat and metal buttons, with buff vest, rose with dignity and amidst the most profound silence. Pausing, and running his eyes admiringly from the central figure of Judge Pope, along the rows of lovely women on each side of him, he said:
>
> "May it please the Court:
>
> "I appear before you today under circumstances most novel and peculiar. I am to address the 'Pope' (bowing to the Judge) surrounded by angels (bowing still lower to the ladies), in the presence of the holy Apostles, in behalf of the Prophet of the Lord."

In the trial of the case Josiah Lamborn, resisting Smith's discharge, contended that the United States court did not have jurisdiction. Smith's counsel, on the other hand, maintained that the governor of Illinois had no right to extradite the prisoner unless it could be proved that he had committed a crime in Missouri and had fled from justice in that state; and asked for his discharge on the ground that the affidavit upon which the warrant for his arrest had been issued failed to establish either of these requirements as facts.

The case was heard on January 4, 1843; on the following day Pope delivered his opinion, which was printed *in extenso* in the *Sangamo Journal.* The question of jurisdiction he decided in the affirmative. As to the legality of extradition, his statement of the case foreshadowed his decision. "This case presents the important question arising under the constitution and laws of the United

States, whether a citizen of the State of Illinois can be transported from his own State to the State of Missouri, to be there tried for a crime, which, if he ever committed, was committed in the State of Illinois; whether he can be transported to Missouri, as a fugitive from justice, when he has never fled from that State." "The court must hold," he concluded, "that where a necessary fact is not stated in the affidavit, it does not exist. It is not averred that Smith was accessory before the fact, in the State of Missouri, nor that he committed a crime in Missouri: therefore he did not commit the crime in Missouri,—did not flee from Missouri to avoid punishment." Accordingly, he ordered the prisoner discharged. The *Sangamo Journal* noted "universal acquiescence" in the decision.

The newspapers, noticing only cases in which there was more than ordinary popular interest, furnish an incomplete picture of the work of the federal courts in Illinois. Fortunately, the deficiency can be made up from another source, for with the incorporation of Illinois into the circuit court system, John McLean added the leading decisions of its courts to the Reports which he compiled throughout his service on the bench.

Cases involving the public lands frequently figure in the pages of McLean's Reports. The first Illinois case reported was *United States vs. Gratiot,* the trial of which was described by Isaac N. Arnold, in which the power of the federal government to lease lead mines within the limits of a state was presented for decision. *United States vs. Magoon* involved the removal of a large amount of lead from government land, while in another trial at the same term—1843—the cutting of timber from the public domain was charged. Land office officials were frequently in trouble over accounts, and mail robbery was a common offense.

On numerous occasions the court was called upon to decide questions of commerce and finance. Was the master of a lake vessel entitled to collect freight on a shipment of goods from Buffalo to Chicago, when on account of ice part of the shipment was landed at Detroit, and the balance delivered at Chicago months after it was due? The question was presented in *Bork vs. Norton,* tried at the June term, 1841. Could the consideration paid for certain lots of ground be recovered, in view of the fact that a promise to convey the land by warranty deed had not been carried out? In

Cooper vs. Brown, heard at the same term, the court decided that it could. Promissory notes, bills of exchange and partnerships were involved in many cases; others turned on the technical questions of pleading, evidence and jurisdiction.

There were times when McLean and Pope disagreed on decisions. When this happened, the case in question was certified to the Supreme Court. The first case so certified—the first Illinois case, in fact, to be passed upon by the Supreme Court—was *United States vs. Gratiot.* There, apparently, the court held with McLean instead of Pope. The reverse was true with the next case— *United States vs. William Linn*—in which the judges divided on the question of whether an instrument, signed by sureties but without seals, was good at common law. McLean's dissenting opinion indicates that the court upheld Pope's contention.

In all, nine cases were certified from the circuit court for Illinois to the Supreme Court during Pope's incumbency. In four of them it is apparent that the court upheld McLean, while in three others the judges sided with Pope. In the remaining two it is impossible to tell to whom the court inclined, although the final opinion in one of the two—*Moore vs. Brown et al.*—was in entire harmony with Pope's published opinions in other cases on tax titles, which was the question at issue. It is hardly possible to test judicial capacity by an arithmetical measuring stick; yet the final disposal of these nine cases would indicate that McLean was not indulging in hollow eulogy when, after Pope's death, he wrote: "I seldom differed with him, in an opinion pronounced, without feeling solicitude in regard to my own views."

Important factors contributing to the increased volume of litigation in the federal courts for Illinois were the panic of 1837 and the long period of stagnation which followed. Many a western merchant had paid for his year's stock with notes or bills of exchange which he was unable to meet at maturity. In large numbers the eastern firms sued for collection, and the record books were filled with judgments. Among the victims were two members of Pope's own family—his son William, who had left the navy, and his son-in-law, Thomas M. Hope. On December 12, 1840, judgment was confessed on notes of the firms of Thomas M. Hope & Co. and William Pope & Co., and the father of the two principals assessed damages of $1,815.06 against them, and ordered executions to issue.

By 1841 the burden of debt had become so heavy that a national bankruptcy act, the second in the country's history, was passed.

The earlier act, in force from 1800 to 1803, had been limited in its operation to merchants and traders, and had made no provision for voluntary bankruptcy, but in the act of 1841 both of these limitations were removed. Thousands took advantage of the provisions of the new law. The act went into effect on February 1, 1842. The four issues of the *Sangamo Journal* for February of that year contained notices of application for discharge from debts in 183 cases, and Pope announced that he would hold a special term of the district court in Springfield on the first Monday in March. As the year progressed, the applications increased in number until in December the *Sangamo Journal* was forced to issue a special four-page edition devoted entirely to bankruptcy notices.

Opposition to the law developed speedily, however. There was much complaint on the ground that it was an invasion of states rights, and debtors objected to the inconvenience of traveling to the seat of government for hearings. As a result, it was repealed at the end of a year's operation.

If the years which followed the establishment of the federal courts at Springfield brought heavy increases in work for Nathaniel Pope, they also brought many compensations. The life of the state centered in the capital during the weeks court was in session. The state supreme court usually met at the same time, and during the December term the legislature was in session in alternate years. As a result, the prominent men of the state were to be found congregated at Springfield. In December, 1841, the *Illinois State Register* described a typical gathering. "Many distinguished gentlemen have arrived at the seat of government," said the editor; "among which are Judge Pope, of the District Court, Mr. Butterfield, U. S. District Attorney, and a large number of jurors from different parts of the State attending the U. S. Court, which commenced its session on Monday last. Gen. Ewing, Speaker of the House, arrived on Monday last, and is at the American. Hon. S. Breese, of the Supreme Court, arrived on Tuesday, and is at the house of Mr. Walters. Mr. R. Smith, Col. Hundley, and Mr. Chickering, of Madison, are at the American. Dr. Berry, of Cairo, Mr. Arnold and Mr. Davis, of Chicago, are also here, and put up at the American."

The visitors usually found plenty to interest them. During the June term in 1840 the state Whig convention was held in Springfield. Those who were present never forgot it. The country was deep in the 'Hard Cider and Log Cabin' campaign, and the Whigs of Illinois outdid themselves in the general madness. Thousands from all parts of the state flocked to Springfield, many delegations bringing with them gigantic canoes or log cabins mounted on wheels. The Chicago delegates brought a full-rigged brig. All brought their own provisions and camped on the outskirts of the town. Speeches were made interminably, while at night campaign songs could be heard for miles around. It was a stirring occasion.

When the legislature was in session, the 'lobby' could be depended upon to furnish occupation for spare time. At night the men gathered at the state house, where stump speakers held forth on political topics and general discussions of various matters of interest were indulged in. An organization, half serious and half facetious, was usually formed under the speakership of 'Lord Coke.' Committees were appointed on rules for the government of the lobby, on banking and finance, agriculture, education, state history—and also on such matters as "the conflagration of the town at the county seat of Henry County, which consisted of one house, and that used for a court house, jail, tavern, grocery and dram-shop, school house and meeting house;" or the supply of "pipes, tobacco and segars for fumigating on the most approved knickerbocker principles." In the latter class was the committee on "feats of activity and agility; foot racing, ground and lofty tumbling, and all exercises of the 'Stadium,' the 'palestra' and the 'Campus Martius,'" to which Pope and Bowling Green, both portly, were appointed in 1839.

As time went on and the capital became more sophisticated, amusements became more plentiful. In January, 1845, the *Sangamo Journal* pointed proudly to the various ways in which one's leisure hours might be spent: "Messrs. Sauvinet & Co.'s Promenade Concert; Mr. Munson's Juvenile Concert; the concerts of the Congo Serenaders; the Exhibitions of West's Painting of Death on the Pale Horse; the Exhibition of the Painting of

Christ Healing the Sick, a splendid copy of West's Painting by a citizen of Adams county; the Exhibition by Mr. Higby of his Gallery of Paintings; the discussions in the Lobby of subjects of great interest to our State, in which some of the ablest of our public speakers have taken a part; the able and instructive course of Lectures on Scientific subjects, now progressing, and in which Col. E. D. Baker, Dr. C. Goudy, and Professor Post, of Jacksonville College, have distinguished themselves—besides public balls, and private parties, among which we may mention the party given by Mrs. Young, and the large party given by Hon. N. W. Edwards, which came off on Friday night last; and on Wednesday night (January 8th) a party, which it is supposed will be among the most brilliant, is to come off at the State House."

Not the least of Springfield's advantages, so far as Pope was concerned, was the opportunity the town provided for association with his children. Often the younger daughters visited friends there while court was in session. Once, in 1842, a party was organized for a trip to Chicago. B. S. Edwards, Mrs. Edwards and their small daughter, Pope with Lucretia, Cynthia, Penelope (Mrs. Allen) and her daughter, and two or three others drove in carriages to the city on the lake, where John and Robert Kinzie and other early settlers entertained the ladies by impersonating Indians and staging a war dance in the Tremont House. After 1845 a court session was the occasion for a long and pleasant visit at the home of William Pope, now settled in Springfield as the clerk of his father's court. Such visits must have been particularly welcome to Nathaniel Pope, for after 1844 he had no home of his own. In the summer of that year the Mississippi swept over Kaskaskia, flooding it so deeply that steamboats sailed over the town. Some of the inhabitants returned to their homes after the waters receded, but for the remainder of their lives Nathaniel and Lucretia Pope lived with their children.

"Judges McLean and Pope both presiding," stated the *Illinois State Register* in commenting on the session of the circuit and district courts held in the summer of 1843. "Both appear to enjoy their usual health and promptitude of character." It was well that this was the case, for the next few years were to be busy ones. Dockets became longer and longer, and terms lengthened into weeks at a time. Before long the strain began to tell on



LUCRETIA BACKUS POPE

Pope. "Judge Pope absent from indisposition," the *Register* noted at the summer term in 1846, while in an opinion published early in 1848 the judge himself referred to the poor state of his health.

In 1848 additional work was given the judges by the passage of an act providing that one term of the circuit and district courts should be held at Chicago on the first Monday of July in each year. McLean, already burdened to the limit, found it impossible to attend, so Pope, with his son William as clerk, presided over the first United States court held in Chicago.

Six months later, in traveling from his daughter's home in St. Louis to hold court in Springfield, Pope narrowly escaped a serious accident. Heavy rains had made the roads almost impassable, and the streams were out of their banks. When the stage in which he was riding reached Sugar Creek, a few miles south of his destination, only a part of the bridge could be seen above the water. The driver stopped his horses and blew his horn, whereupon a man appeared on the other side and shouted something, but the wind prevented his voice from carrying. Supposing that all was safe, the driver started forward. Immediately the man on the opposite bank plunged into the water and commenced to gesticulate wildly. All the driver's skill was required to stop his horses on the narrow causeway. The investigation which followed showed that part of the bridge had been carried away. A few feet farther, and there would have been little chance for the lives of any of the passengers.

In spite of the narrow escape, Pope delivered one of his best opinions at the session which followed. The case was *Arrowsmith vs. Burlingim,* in which he was required to pass upon the validity of a title derived from the state auditor through a sale for taxes.

Earlier in the year, in the case of *Mayhew vs. Davis,* he had set forth his views on the question of tax titles, holding that a sale for taxes could not be considered valid unless strict compliance with every requirement of the law concerning such sales could be shown. At the request of the bar, the opinion was published at once. Essentially the same question was presented in *Arrowsmith vs. Burlingim,* and essentially the same answer was given. The opinion in the latter case, however, was unusual in two respects: it was written with a lucidity infrequent in judicial decisions, and it was marked by very real moral indignation. "The land in controversy," Pope wrote, "has been sold by the Auditor for $1.84 to Cavalry, a little more than a cent an acre. In a contest between Cavalry and the plantiff, who would sympathize with Cavalry? Can the defendant who purchased with notice claim more? This court will not inquire into the conscience of the man whose morality will allow him to sleep quietly after appropriating to himself one hundred and sixty acres of valuable land for the pitiful sum of one dollar and eighty-four cents."

Pope was not a man to hide his feelings merely because he sat in a judicial position. In *Mayhew vs. Davis* he had answered an argument of counsel by the curt statement: "This is truly preposterous;" and similar remarks were directed at attorneys in his court whenever he thought it necessary. "He was pretty severe upon the lawyers who practiced in his court, and was not very choice as to the words he used when he saw fit to reprimand them." Usher F. Linder commented. An "arbitrary, self-willed tyrannical old judge," a postal inspector complained after Pope had thrown one of his cases out of court. "On the bench he was stern and unbending, sometimes a little too blunt," said Gustave Koerner; "perhaps on some subjects he was considered somewhat prejudiced, particularly in politics. His convictions were so firm as to make him obstinate and rather dogmatical. His likes and dislikes were very strong. But his integrity on the bench was undoubted. He hated all shams; his eminently clear and discerning mind saw through a case at once."

"The Judge was a strong, original character," said Anson S. Miller of Rockford, who often practised in his court. "He had a head like a half-bushel, with brain enough for six men. He was learned, but rough and gruff. He had a wonderful knowledge of human nature, and was utterly without fear. Gen. Pope has many of the father's qualities. . . . His father had the gift of speaking decidedly plain English, even in court. We had at the bar in those days a very elegant and accomplished gentleman—the Hon. David J. Baker—who one day in the court-room took his place near the stove, just outside the bar, and, with almost an ostentation of deference, called the attention of the court to the fact, and begged that, on account of his illness, he might be permitted to stand there during the case in which he was then engaged. The Judge heard his elaborate and rather dainty petition, and then,

with the utmost gravity, and in a deep, gruff voice, replied, 'Mr. Baker, the court don't care a damn where you stand!' "

Lincoln, Miller added, was one of Pope's favorites. "He told me that he thought Lincoln a very able and promising man. The Judge was rough toward everyone; but his roughness toward Lincoln had a touch of tenderness in it. He would sometimes rebuke him, but in a sort of fatherly way. I remember that once Judge Pope called a case in which Lincoln was engaged; but Lincoln did not answer. He called again; no answer. 'Where's Lincoln?' roared the Judge, in his severe fashion; 'why don't he attend to his business?' Soon Lincoln came shambling into court. 'O, Mr. Lincoln, you've come at last; have you? Well, I've been calling for you a long time.' Many persons wondered at the favor shown to John Pope by Mr. Lincoln during the war. . . . Lincoln understood the sort of roar in John Pope's proclamations which many people thought gasconade. That roar he got from his gruff old father; it was the roar of the lion and Lincoln had heard it a thousand times. It was the most natural thing in the world for Lincoln to stand up for John Pope."

In the summer of 1849 Pope held court alone at Springfield. "There are some 70 cases set for trial before the present United States District and Circuit Courts, now in session, in this city," said the *Illinois Journal;* "and they are mostly contested cases, involving legal questions, which throws a tremendous amount of labor upon the judge. But he bears it well, and is in good health. We believe it is now rendered certain that *fat* men can perform double duty on pressing occasions."

From Springfield Pope went to Chicago, where he held court in the law rooms of Buckner S. Morris. The session lasted five weeks, and more than twenty-five important cases were disposed of.

Midway in the term Pope wrote a letter to one of his granddaughters, Ann Allen, which contains an interesting picture of the young metropolis whose importance he had at least in part foreseen. "This is a very improving city of about 24,000 inhabitants," he said, "situated on Lake Michigan and on both sides of the Chicago River, that is always full of ships, steam boats and canal boats—some of the steam boats are more magnificent than any I have ever seen. They carry passengers from here to Buffalo, passing through Lakes Michigan, Huron, the Detroit River & Lake Erie a thousand miles for five Dollars and give fine accommodations. The Ships carry produce such as beef, pork & wheat &c &c and among other things bring lumber in great quantity such as plank, shingles & scantling—much of which goes down the Illinois River through the Canal. There have been two fires since I came. The loss at one is estimated at forty thousand Dollars. I have heard no estimate of the other."

He was much concerned about a cholera epidemic then raging in St. Louis, especially since he had heard that James Yeatman, Cynthia's husband, had been stricken and was critically ill. Moreover, William was not well, and was planning to return home and leave his deputy in charge. About himself he refused to worry. "I asked a Doctor the other day," he wrote, "if he ever knew a man to die of cholera who was not afraid of it. His answer was that he did [not] recollect. Then I said there was no danger to me." *Tic douloureux* often threatened him, but as yet he had had no spasms. His health, in fact, was excellent. The weather had been intensely hot, and some of the lawyers had begged for a rest, but he saw no reason for granting one. "I am not broken down," he concluded.

This letter was written on July 20, 1849. Two weeks later, on August 4, Pope retired for the night, apparently in his usual health. Some hours later he awoke. Attempting to speak to the friend who shared his room, he was terrified to discover that he could not recall the friend's name, nor even his own. For a long time familiar faces passed through his mind, all nameless. It was an attack of cerebral apoplexy, a forewarning that the end was not far in the future.

The attack passed, and he regained sufficient strength to finish the term. Four months later he held the winter term of court in Springfield, and then returned to Alton for a visit at the home of his daughter Elizabeth. There, in early January, 1850, he was stricken again. He rallied sufficiently to permit removal to the home of Thomas Yeatman, Lucretia's husband, in St. Louis, but a relapse followed quickly. On the morning of January 23 he died

VIII

Courts in St. Louis, learning of his death, adjourned. At Springfield, at the next session of the United States court, the

bar adopted a resolution presented by Stephen T. Logan, Norman H. Purple, David L. Gregg, Abraham Lincoln and George W. Meeker calling upon the members to wear the badge of mourning for the balance of the term. In Chicago the bar gathered to hear George W. Olney deliver an address on the life and character of the departed judge.

Lawyers spoke feelingly of Pope's services on the bench. Before the St. Louis bar Lewis V. Bogy commented on his impeccable character, his long service, his fine legal mind. Olney spoke of his diligence, of his "clear and unclouded intellect," of his compelling sense of justice. William H. Bissell, soon to be governor of Illinois, wrote Joseph Gillespie that he had "seldom known a man the intelligence of whose death fell upon me with more saddening effect than did that of Poor Old Pope. He was one of Nature's noblemen—and all that you represent him to have been. God rest his soul! It will be long before we shall look upon his like again."

The finest tribute, however, was that which John McLean wrote in the preface to the fourth volume of his Reports.

> He was a man of decided talent. He never sought to become conspicuous as a speaker on the stump, at the dinner table, or in any such ephemeral exhibitions. But he was a man of much research, and of deep thought. He had a very strong and vigorous mind. In conversation, and in his opinions on the bench, and elsewhere, he was distinguished for the soundness of his positions, and the force of argument by which he maintained them. His arguments were drawn more from the resources of his own mind, than from the hackneyed views of others. Whilst, in his legal opinions, he showed great respect for authority, he was never satisfied where his own judgment did not lead to the same conclusion . . . .
>
> He was an able common lawyer, and there were but few persons, in any part of our country, whose constitutional opinions were entitled to higher respect. With the history of the Constitution he was well acquainted; and he understood well the respective powers of the Federal and State Governments. He seemed to be more desirous of discharging his duty faithfully, than of leaving memorials of his acts. He reported but few of his judicial opinions. . . .
>
> No man entertained loftier views of the duties of a Judge, and on one ever exercised a purer judgment in the decision of causes. Firm in his convictions, he never yielded them without being convinced of error; and then no one conformed to right and justice more cheerfully than he did. In this he set a beautiful example of an unbiased judgment, however strong and firm, ready to yield to the force of argument. He was above the infirmity of narrow minds, which consider a change of opinion as evidence of weakness.
>
> The state sustained a great loss in the death of this distinguished man. To his family the loss was irreparable, as he lived in their affections in no common degree. And associated with him as I had been, for so many years, I heard of his death with the deepest sensibility, and sincerely deplore his loss.

There was reference, too, to Pope's early career—to the years he had spent as territorial secretary and his services in securing the state's admission to the Union, while in Chicago Olney spoke gratefully of his action in extending the northern boundary. But in 1850 no man could properly evaluate this achievement, his strongest single claim to lasting recognition. It was not so much that he had seen an opportunity to increase the boundaries of his state, and had taken it, as it was that he had justified the act on grounds which future years were to reveal as political wisdom of the highest order. A sizable coast on Lake Michigan, he had said, would afford "additional security to the perpetuity of the Union," through the connection with the East which it would provide. He had the vision to see that without such an outlet, Illinois would be linked only to New Orleans and the South; with it, lines of commerce and social intercourse would tie it no less tightly to the other great section of the nation. Thus two strong cords, instead of one, would bind it to its sister states. Not until the Civil War was the full breadth of his wisdom apparent.

After all, however, Nathaniel Pope's career does not need the justification of later events. In their own right his achievements were sufficient to earn him, if not fame, at least the right not to be forgotten. To have aided in the government of a vast territory under hard and dangerous conditions, to have represented that territory in Congress with distinction, to have succeeded in making it a state, and then, for thirty years, to have served on the federal judiciary with ability and honor, is not a negligible record. Truly may it be said that his was an adequate contribution to his state and nation.

Station #9: Federal Clerk's Office

Theme

Much of the routine work of the federal courts was accomplished in this office, which the federal clerk evidently shared with the U.S. marshal, bailiff, U.S. Attorney, and others associated with the federal courts.

Material Support

--Location of office next to the judge's chambers on the floor rented by the federal government.

This room was most likely used as an office by the clerk of the federal courts. Three clerks served here:

William M. Brown, 1818-1842
James F. Ownings, 1843-1846
William Pope, 1847-1855

The last clerk to serve in the Tinsley Building, William Pope, was the eldest child of Judge Nathaniel Pope.

Other officers of the U. S. courts also most likely shared the room with the clerk, including the U. S. marshal, U. S. attorneys, bailiff, and crier. On Dec. 19, 1851, the Illinois State Journal noted that Judge Drummond had not been able to reach Springfield "until late Tuesday night" but that court had convened on Wednesday morning. Those present were:

Thomas Drummond, District Judge
William Pope, Clerk
Benjamin Boind, Marshal
P. van Bergen, Assistant Marshal
Zimri A. Enos, Crier
S. A. Corneau, Bailiff

So many individuals sharing the same room made for cramped quarters, which was one of the complaints that the federal courts had about the Tinsley Building office. That may have contributed to the court's decision in 1855 to leave the Tinsley Building for more spacious quarters in Judge Logan's building, where the courts rented seven rooms.

Much of the routine work of the federal courts went on in this room, as the clerk was required to keep regular office hours between semi-annual court sessions "for the purpose of receiving, entering, entertaining and disposing of all motions, rules, orders and other proceedings." The "rules of practice" stipulated that such

proceedings should be "entered by the clerk in an order book, to be kept at the clerk's office on the day when they are made and directed--which book shall be open at all office hours, to the free inspection of the parties. . ., and their solicitors."

Unfortunately, records kept by the clerks who worked here were taken to Chicago in 1855 when Illinois was divided into two federal judicial districts, and those records were burned in the great Chicago fire of 1871. So much of what we know about the clerk's work and the federal courts in general must be pieced together from bits and pieces gleaned from newspaper accounts, published federal reports, transcripts preserved in other files, etc. We do know, for example, that one of the clerks who served here was William Pope, son of federal district judge Nathaniel Pope. We also know that at least one attorney appears to have made his headquarters here because the following advertisement appeared regularly in the local paper:

> Levi Davis, Attorney at Law. Will give particular attention to any bankrupt business which may be entrusted to his care.--Office in the room occupied by the Clerk of the United States Court. July 6, 1842.

Federal bankruptcy proceedings appear for a short period in 1842 to have consumed much of the clerk's time. An economic depression prompted Congress, in the summer of 1841, to pass a bankruptcy law, and Illinoisans flocked to take advantage of its provisions. Such bankruptcy actions would have been mostly procedural matters handled here in the clerk's office, and the evidence indicates that local lawyers did a lively bankruptcy business before politics brought about repeal of the federal bankruptcy law in 1843. One scholar estimates that the firm of Logan and Lincoln led Springfield lawyers in the number of such cases handled with seventy-seven.

LAWYER LINCOLN AND THE TINSLEY BUILDING: A CHRONOLOGY

March 1, 1837. Lincoln's name is entered on the role of attorneys by the clerk of the Illinois Supreme Court. This was the last of three steps required in Illinois to become a lawyer.

April 15, 1837. Lincoln moves from New Salem to Springfield, where he rooms with Joshua Speed above Speed's store on the west side of the public square at the present site of the Myers' Building. A plaque marks the site of the store.

1837-1841. Lincoln practices law with his first partner and political mentor, John Todd Stuart. The office of Stuart and Lincoln (Lincoln was the junior partner) was located at 109 North Fifth Street in a row of six newly erected brick buildings known as "Hoffman Row."

July 7, 1840. Springfield merchant Seth M. Tinsley buys a 40' x 107' lot at the corner of Sixth and Adams streets for $3,500. It is upon this lot that he erects what becomes known as the "Tinsley Building." Half (20' x 107' of Tinsley's original structure is now owned by the State of Illinis.

Dec. 25, 1840. Newspaper advertisement shows the firm of Opdycke, Tinsley and Co. occupying the west portion of the Tinsley Building. The entire structure may or may not be finished as of this date.

March 5, 1841. Newspaper advertisement shows that S. M. Tinsley & Co. have moved into the east portion of the Tinsley Building. The building is, most likely, complete as if this date. The east portion of the building is the half now owned by the state.

1841. The U.S. Post Office moves into rented quarters on the Tinsley Building's first floor, while the federal courts occupy the second floor.

1841-1844. Lincoln is in partnership with Stephen T. Logan. He is, once again, the junior partner in the firm (Logan & Lincoln)..

1841-Summer 1843. The firm of Logan & Lincoln practices from an office located in a building across the street from Hoffman's Row at 108-110 North Fifth Street.

Nov. 4, 1842. Lincoln and Mary Todd are married in an evening ceremony at the home of Ninian Edwards.

Dec. 31, 1842-Jan. 4, 1843. The extradition trial of Mormon leader Joseph Smith, one of the best-remembered trials in Illinois history, takes place in the Tinsley Building's federal courtroom. Mary Todd Lincoln is present as one of several ladies invited to share the judge's platform with Judge Nathanial Pope.

Summer 1843. Between June 15, 1843, and August 31, 1843, Logan and Lincoln move from their North Fifth Street office to an office on the northeast corner of the Tinsley Building's third floor.

Aug. 1, 1843. Lincoln's first child, Robert Todd, is born.

Jan. 16, 1844. Lincoln purchases house at Eighth and Jackson streets.

December 1844. By this time, Logan and Lincoln have ended their partnership. Lincoln enters practice with his third and last partner, William H. Herndon, as the senior partner in the firm Lincoln & Herndon. The new firm continues to occupy the third-floor, northeast corner office in the Tinsley Building. The partnership of Lincoln and Herndon continues to Lincoln's death in 1865.

March 10, 1846. Lincoln's second child, Edward Baker, is born. He is named after Lincoln's friend and political ally, Edward D. Baker, whose law firm, Baker & Matheny, occupied a Tinsley Building office. "Eddie" died on Feb. 1, 1850.

Aug. 3, 1846. Lincoln elected to U. S. House of Representatives, where he serves one term (1847-49). While Lincoln is in Washington, Herndon manages the partnership's business.

1847. Lincoln leaves for Washington in December , 1847, and it is presumed that Herndon, needing a less spacious office with his partner away, moved the firm into a smaller office on the south end of the Tinsley Building's third floor. This presumption is an educated guess based largely on newspaper advertisements for various lawyers occupying the Tinsley Building.

Aug. 23, 1849. The last known advertisement showing Lincoln and Herndon occupying an office in the Tinsley Building appears in a local newspaper. The next Lincoln-Herndon ad, dated Oct. 1, 1852, shows them occupying an office over "McGraw & Buchanan's store" on the west side of the public square. Since a complete run of the local papers for the period no longer exists, it is impossible to determine exactly when, between August 1849 and Oct. 1852, the partners moved from the Tinsley Building.

Oct. 17, 1849. Notice appears in a local paper announcing that the post office has moved to "William's new building on fourth street."

Feb. 1, 1850. "Eddie," Lincoln's second son, dies.

June 7, 1850. Seth M. Tinsley sells his building and lot for $12,000 to Philip C. Johnson.

Dec. 21, 1850. Lincoln's third son, William Wallace, is born. "Willie" will die in the White House on Feb. 20, 1862.

Oct. 1, 1852. Lincoln and Herndon's newspaper advertisement show that they have moved from the Tinsley Building and are occupying an office over "McGraw & Buchanan's store" on the west side of the public square. The exact location of that office is uncertain.

April 3, 1853. Lincoln's fourth son, Thomas is born. "Tad" will die on July 15, 1871.

May 22, 1854. Philip A. Johnson sells the Tinsley Building and "other lots" to James A. Barrett for $24,000.

Aug. 17, 1855. Notice appears in a local paper announcing that the U.S. Marshal has "just received" authorization to move the federal courts from the Tinsley Building to new, more spacious quarters in Judge Logan's building.

May 28, 1856. James A. Barrett sells east half of the Tinsley Building (the portion now state-owned) to Charles A. Matheny for $8,000.

Feb. 1858. The Tinsley Building's owner, Charles Matheny, forms a partnership with Charles R. Hurst. They go into business under the name "Matheny & Co." and occupy the first floor of the building's notheast corner. Matheny & Co. will remain there until 1868 when John Bressmer, a member of the firm, takes over and changes the name to John Bressmer & Co.

Feb. 11, 1861. President-elect Lincoln leaves Springfield for Washington. This is the date of his famous "here I have lived" farewell speech.

1868. John Bressmer, a member of the firm Matheny & Co., takes over the store on the Tinsley Building's first-floor, northeast corner. Changing the name to John Bressmer & Co., he remains here until 1882, when the firm moves to a new building.

Aug. 13, 1868. Seth Tinsley dies in Springfield. Originally buried in the old Hutchinson Cemetery, his body was later removed to Oak Ridge, where he now lies in a unmarked grave.

1872. The first major change in the original Tinsley Building takes place when the west half (20') of the original is "torn down" (perhaps just remodeled) by C. M. Smith (Clark Moulton Smith), Lincoln's brother-in-law, for a new building known as "Smith's Block." Smith did not own the east 20' of the Tinsley Building that is now state property, but he did own the west 20' and two additional 20-foot fronts (total of 60').

1882. The firm of John Bressmer & Co. leaves the Tinsley Building, and Farmers National Bank moves into the first-floor, northeast corner space. Extensive remodeling takes place. The Farmers National Bank occupies this space until 1914.

1914. The Farmers National Bank moves out of the Tinsley Building. The first-floor corner space will be rented over the years by several different stores. Allen's Shoe Store is occupying the space when the restoration is undertaken in 1968.

Feb. 16, 1967. The building is purchased by Mr. and Mrs. James E. Myers, Mr. and Mrs. Robert B. Oxtoby, and Mrs. H. B. Bartholf. They undertake the structure's restoration. Research for the restoration is conducted by James T. Hickey, Curator of the Lincoln Collection of the Illinois State Historical Library.

Fall 1968. The restored Tinsley Building is opened to the public.

August 1985. The Tinsley Building is purchased by the State of Illinois.